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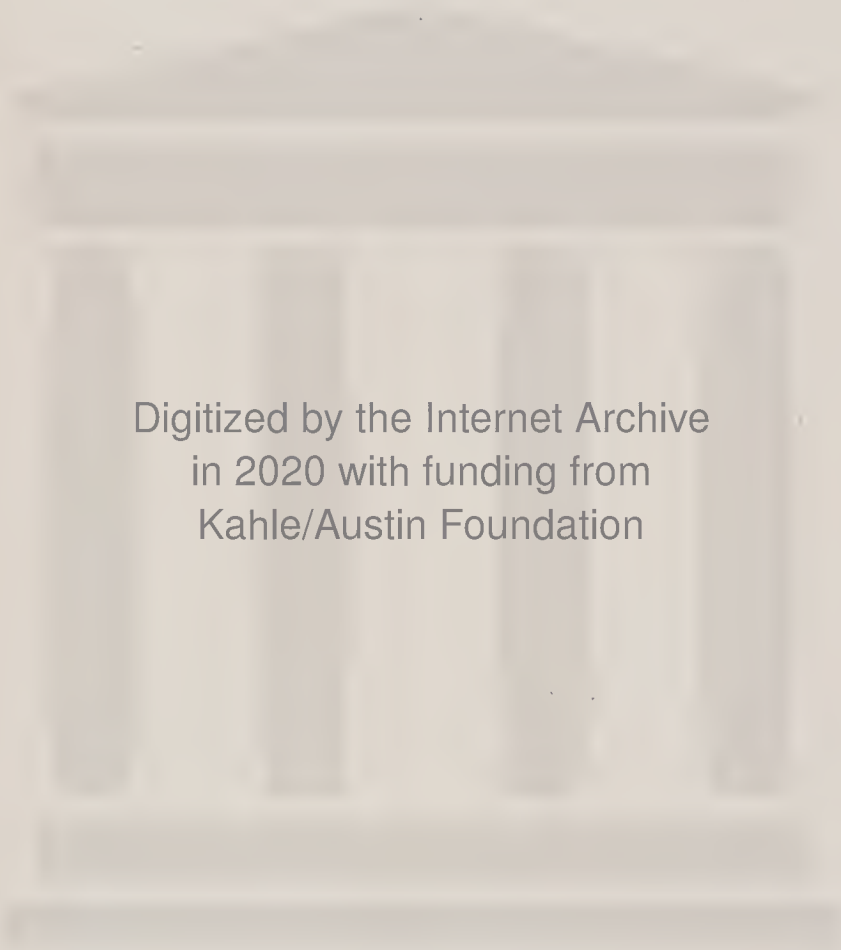

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NEW-YORK HISTORICAL SOCIETY.

PUBLICATION FUND.

IX.

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EVERT A. DUYCKINCK,
EDWARD F. DE LANCEY,
GEORGE H. MOORE.

COLLECTIONS

OF THE

NEW-YORK HISTORICAL SOCIETY

FOR THE YEAR

1876.

PUBLICATION FUND SERIES.

NEW YORK:
PRINTED FOR THE SOCIETY.
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INTRODUCTION.

The manuscripts known as the Colden Papers are among the most valuable and important in the possession of the Society. They extend through the greater part of the eighteenth century, and constitute a rich treasure of materials for our Colonial History. A portion of these papers have been included in the first volume of this series of publications, with a prefatory note, to which it is deemed sufficient to refer in this place.

The present volume contains the first part of Lieutenant-Governor Colden's *official Letter Books, which extend from* 1760, *when the administration of the Province first devolved upon him as President of his Majesty's Council, at the death of Lieutenant-Governor* De Lancey, *to* 1775, *when his fourth and last term of occupancy of the Executive Chair was terminated in the year before his death.*

Great use has been made of all these papers by historical writers, and some of them have found their way into print; but it is considered best to give the entire text of the Letter Books as they stand in the original MSS., from which they are now printed, without breaking the unity of the series of documents thus preserved.

The contents of this volume, which ends with the early part of the year 1765, *throw a flood of light upon the measures which were steadily forcing New York into necessary resist-*

ance to arbitrary government: and it was but a few months later, when, in view of the general rebellious attitude of the Colonies, the Earl of CHATHAM *indicated the leadership of that Province in these memorable words:* "NEW YORK HAS DRUNK THE DEEPEST OF THE BANEFUL CUP OF INFATUATION, *but none seem to be quite sober and in full possession of reason.*"

NEW YORK, *January*, 1877.

THE COLDEN LETTER BOOKS.

Vol. I.

1760—1765.

To General Amherst.

New York, August 4th, 1760.

Sir,

I make no doubt that your Excellency has been inform'd before now of the loss this Province has suffer'd by the death of L^t^ Governor De Lancey. It may be the greater by the want of abilities in his successor in the administration which devolves on me as President of his Majesties Council for this province. I had for some time retired to the Country from business as best suited to my advanced Age, but by this misfortune I am under a necessity of takeing this office upon me. I flatter myself that no man has a more sincere zeal for his Majesties Service & that were my abilities answerable to it I might hope in some measure to deserve your regard. As it is, I must intreat your Excellency to accept of my humble endeavours, & that you may be assured that nothing shall be wanting on my part for his Majesties service to the best of my abilities and on all occasions to convince you that I am with the greatest respect, Sir, Yrs, &^c^.

Circular Letter to the several Governors on the Death of the L^T^ Governor.

New York, August 4th, 1760.

Sir,

On Wednesday last our late worthy Gov^r^ M^r^ De Lancey departed this life. He was not apprehensive

of any danger when he was seized in the morning with a pain in his breast, and tho' a Physician was afterwards sent for, he expir'd before any releife could be applied: In this gentleman his Majesty has lost a most able and faithfull Servant, and, I may add the Provinces in general a sincere friend.

The administration by virtue of his Majesties Commission devolving on me, as eldest Councelor; it is expedient I should inform the Governors of his Majesties other Colonies of the Event; least any interruption might be given to a correspondence between them, which I am sensible must be necessary at all times but more especially at present, to promote the king's service and to preserve Union and Harmony among the several provinces, so essential to their common welfare. I assure myself of establishing & keeping up an intercourse with you on all occasions conducive to those ends. And it will give me a singular satisfaction if by my present situation, I should have in my power to serve your *Excellency* or any of your friends. I am, &c.

Addressed on his Majesties service as follows :

To His Excellency Thomas Boone, Esq. Captain General & Governor in Cheif of the Province of New Jersey.

To The Hon^ble^ James Hamilton Esq Lieut^t^ Governor and Commander in Cheif of the Province of Pensilvania.

To The Hon^ble^ Horatio Sharpe, Esq., Governor and Commander in Cheife of the Province of Maryland.

To The Hon^ble^ Francis Fauquier Governor of Virginia.

To The Hon^ble^ William Bull, Esq. Lieut^t^ Governor and Commander in Cheif of his Majesties Province of South Carolina.

To His Excellency Francis Bernard, Capt^n^ General and Governor in Cheif of the Province of Massachusetts Bay.

To His Excellency Benning Wentworth, Capt^n^ General and Governor in Cheif of his Majesties Province of New Hampshire.

To the Hon^ble^ Thomas Fitch, Esq., Governor & Commander in Chief of the Colony of Connecticut.

To the Hon^ble^ Stephen Hopkins, Esq., Governor & Commander in Cheif of the Collony of Rhode Island.

To His Excellency Charles Lawrence, Capt^n^ General & Governor in Cheif of his Majesties Province of Nova Scotia.

To the R^t^ Hon^BLE^ W. Pitt Principal Sect^y^ of State.

New York, August 7^th^, 1760.

Sir,

On the 30^th^ of last month L^t^ Governor De Lancey dyed after a short illness. I have taken the administration of Government on me as first of his Majesties Council for this Province in pursuance of a clause in his Majesties Commission to Sir Charles Hardy for that Purpose in case of the absence or Death of the Gov^r^ in Cheif & L^t^ Governor. I am now advanced in years having been about 37 of them in his Majesties

Council for this Province. Were my abilities equal to my Zeal in his Majesties Service I might perhaps presume to give greater assurances of the performance of my Duty than I can in my present circumstances. I am under great concern least his Majesties Service may suffer by the loss of a person of M^r^ De Lanceys abilities & experience in the present situation of affairs: but by all appearances in the few days in which I have had the administration I have good reason to hope that the people of this Province will be as much united in their zeal for his Majesties Service as ever at any time, & that they will endeavour to make my administration easy to me.

As General Amherst does not know of this opportunity by Bristol it may be proper to inform you that in his Letter to L^t^ Gov. De Lancey of the 24^th^ July, dated at Oswego, which was deliver'd to me since M^r^ De Lanceys Death, he writes

"Capt^n^ Laury sail'd from this the 15 to intercept "the Enemy's Vessels from their shelter in the River "St. Lawrence. On the 20^th^ the French Ships appear'd "of this place, so that he must undoubtedly have been "between them & their home, & as his orders were to "station himself so that they should not get in, & that "I instantly on their appearance, sent to acquaint him "of it, I think he will probably give a good account "of them. Gen. Gage ariv'd the day before Yester-"day and Sir William Johnstone last night." In a "Postscript he adds, "I have just now heard the En-"nemys Vessles have escaped Capt^n^ Laury & have "gott into the River St Lawrence."

Nothing in my power shall be wanting in my Duty to his Majesty & if I can, as I shall most sincerely endeavour, obtain your approbation of my conduct it will compleat the utmost ambition of, Sir, Yr &^c^.

To the Right Hon^ble The Lords Commissioners for Trade & Plantation.

New York, August 7^th, 1760.

My Lords,

L^t Governor De Lancey dyed on the 30^th of last month after a very short illness. You know my Lords that on this misfortune the administration of Government devolves upon me, being the first in his Majestie's Council for this Province. M^r De Lancey was certainly a Gentleman of great abilities & experience in the present situation of affairs. I am therefore under great concern least his Majestie's Service suffer in my hands. I am now advanced in years, about 37 of which I have passed since I was of the Council. Your Lordships can judge better than others of some part of my past conduct & I hope you have observed that I have had a special regard to the rights of the Crown as well as to the privileges & liberties of the people.

Were my abilities in any proportion to my zeal for his Majestie's Service I should have strong hopes of your approbation of my administration, as it is, the behavior of people in general, as well as of those more immediately in the Gov^t during the few days in which I have had the administration gives me great hopes that the people of this Province will be as much united in their Zeal for his Majesties Service as ever they were at any time, and I have reason to hope they will make my administration easy to me. These things give me likewise hopes that under all my infirmities I may obtain your Lordships favour.

By M^r De Lancey's death the office of Chief Justice is vacant. I know not whether there may be a necessity for supplying that vacancy. However it be I shall grant no Commission otherwise than during his Majesties pleasure.

A Seat at the Council Table is likewise become

vacant by his death, permit me to recommend my eldest son Alexander.

My Lords be assured that nothing shall be omitted in my power in hopes of obtaining your Lordships approbation of my Conduct. If I shall be so happy it will compleat the ambition of, My Lords, &c

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To His Excellency General Amherst.

N. York, August 11th, 1760.

Sir,

I have your Excellency's letters of the 28th of last month and 3d Instant, directed on his Majesties service to Lt Govr DeLancey. That of the 28th relating to the imprisonment of Captn Brown I laid before his Majesties Council for this Province. Justice in Civil matters between Man and Man relating to property is a point which must be touch'd very delicately, however in my Letter to the Mayor of Albany, I shall go farther than the advice of Council does: tho' at the commencement of my administration it is necessary that I be very cautious. Your Excellency no doubt considers that inferior officers sometimes take more upon them than is necessary for the service, but in this case I know nothing more than by the enclosed with your Letter.

By my Letter of the 4th of this month I acquainted your Excellency of my takeing the administration of Government on me. You may depend on my best endeavours to promote his Majesties Service & to serve your Excellency to the best of my abilities. I heartily wish you the greatest honour by your successes. It will give me the greatest pleasure & satisfaction if my endeavours shall receive your approbation. And that I can convince you of my being with the greatest sincerity & respect, Sir, Yr most, &c.

To His Excellency General Amherst. Relateing to the House in y^e^ Fort.

New York August 11^th^ 1760.

Sir,

My wife's state of health lays me under a necessity of bringing my family to Town, & as I cannot at this time of Year hire a house I have been under great concern least your Excellency should imagine that my going into the House in the Fort might be thought disrespectfull to you & put you to some inconveniency: but my Friends think in the manner which I propose your Excellency may be lodged without much inconveniency in the same House. I propose that your Excellency have all that part of the House on the left hand of the Stairs, or North part of the House, which contains all the large rooms, with the kitchen & Rooms over the Kitchen & likewise the two Rooms on the first floor where M^r^ Appy kept his office. The other small rooms on the right hand above stairs will be sufficient for my family, with the Room on the first floor on the right hand of the stair case for a Kitchen. I beg of your Excellency to let me know your pleasure for I shall put myself to any inconveniency rather than that you should suffer any, & I hope on every occasion to convince you that I am with the greatest respect, Sir, Your &^c^.

To Sybrant G. Van Schaick, Esq., Mayor of Albany.

New York August 11^th^ 1760.

Sir,

Yesterday I received a letter from his Excellency General Amherst, complaining of the Arrest of Capt^n^ Brown, at the Suit of Eyda Vroman, for damages he sustained by the Kings Cattle entering into his wheat

Feild, and that by the detention of this person in the Sheriffs custody the transportation of provisions to the Army is likely to be obstructed, Capt^{n} Brown having the charge of his Majesties Teams at Schenectady.

The General has wrote to the Sheriff, whose Letter I must refer you to, wherein you will see the General's sentiments on the matter, & how greatly he complains of it, as such arrests must unavoidably give obstructions to the operations of the Campaign.

Upon my laying the papers relative to this transaction before his Majesties Council, it was their opinion that I should, and in conformity to their advice I do, recommend it to you, to call all the parties before you, and if upon examination into the facts, it appear that the cause of action is frivolous, & M^{r} Vroman's damage is trifling, then that you admit Capt^{n} Brown to an appearance and discharge him from the custody of the sheriff.

This is a step you may legally take, & I desire you to do it without any delay: Were it my own case & the damage considerable, as the General promises redress to the injured on their applying to him, I should prefer this to the remedy the Law gives, more especially as the relying on his Justice, as it is most agreeable to him, is likely to be the most beneficial to the inhabitants in General on the return of the Army.

The example of the Mayor and Magistrates cannot fail of influencing the conduct of the people. I must therefore recommend it to you and them to exert yourselves on every occasion wherein you can be any ways instrumental in promoting the King's service, this being not only a necessary point of your duty but what your own, & the Interest of the Province manifestly require at your hands. I am, &^{c}

To the Right Hon^ble The Earl of Halifax.

New York August 11^th 1760.

My Lord,

On the 7^th of this month by a Ship to Bristol I informd my Lords Commiss^rs for Trade & Plantations of the Death of L^t Gov^r De Lancey on the 30^th of last month, and that I being the first of his Majesties Council for this Province have taken the administration of Government upon me, which was the first and only opportunity of writing before this. By all appearances in the short time in which I have had the administration I have reason to hope that the people of this Province will be as much united in their Zeal for his Majesties Service as they ever have been at any time, and as my constant attention shall be to avoid everything which may occasion publick dissention, I hope my administration will be made easy to me. I flatter myself that your Lordship formerly had a favourable opinion of my zeal for the rights of the Crown. It is now become more immediately my duty & it shall be my constant care not to forfeit any good opinion you may have received of me.

Last year I took the Liberty to write to your Lordship on the subject of Lands in which I have been many years conversant & observ'd to your Lordship that tho' the letter of his Majesties Instructions may be observed in the Granting, yet the Spirit & true intention cannot be pursued for want of a fund to purchase the Lands from the Indians for the King's use and to prevent and avoid private purchases. I observe in the present Instructions, that those Instructions are left out by which the Surveyor Gen^l of Lands became necessarily one in the setting out of all Lands, & the Gov^r seems to be at liberty to employ any Surveyor he shall think proper. Governors formerly have in the plenitude of the power done so & from thence many abuses have arisen to the King's prejudice, in ascer-

taining the quantity & boundaries of the Lands granted.

The price of provisions and of all the necessaries of life has increased for several years passed to three times the value they formerly were so that the Sallary and perquisites are scarcely sufficient to defray the expence of a Governors family and to live in any degree suitable to his Rank, or as some Merchants in this Town do, & as I must be at some extraordinary expence in the beginning of my administration tho' I have reason to think that the duration of it will be short, this difficulty will be the harder on me. Perhaps some occasion may happen when this shall come under your Lordships consideration to my benefit, and I humbly beg your Lordships favour in it.

The office of Cheife Justice is become vacant by Mr De Lanceys death. I am strongly solicited to appoint another, but as there are other Judges by whom I think the business of the Courts can be carried on for some time I incline to let this office remain vacant till I shall receive his Majesties pleasure thereon, unless I be pressed by the Council to appoint & in this case I shall only do it during his Majesties pleasure. The method formerly was to issue the Cheif Justices Commission under the Seal of the Province in pursuance of his Majesties Mandamus. It may perhaps be proper to inform your Lordship that the highest Sallary hitherto given by the assembly to the Cheif Justice & the perquisites of the office, are not sufficient to support a family in this country, & I expect it will not be augmented. The office of Cheif Justice is of such consequence to the Kings Service and to the People of this Province that I shall not take upon myself to recommend any. And by Mr De Lancey's Death a Seat at the Council Board is likewise become vacant. I have presumed in my Letter to the board of Trade to recommend my eldest son Alexander. If this should be agreeable to your Lordship, it will add to

that influence which it is necessary for me to have in the Minds of the People.

My greatest ambition is to deserve your Lordships favour by a prudent conduct, and to show with what devotion I sincerely am, &c

Sent by the General Wall Packett Capt[n] Leutwidge who sail'd Sept[r] 4[th]

To His Excellency Thomas Boone, Gov[r] of Jerseys &c

New York August 21[st] 1760.

Sir,

From the inclosed Proclamation which I have issued by advice of his Majesties Council for this Province your Excellency may observe a most horrid murder of four men in the Barge of his Majesties Ship the Winchester of which Capt[n] Hales a very humane Gentleman is commander.

The Sampson is a Ship of 22 Guns on one Deck nine & six pounders, & the Crew consists of 67 Men besides boys. After she got into the Harbour she was placed within about 50 feet of the end of the Dock. They arm'd themselves and loaded their Swivils and bade defiance to all authority. As it evidently appeared that the crew consisted of desperate bloody minded fellows, the Magistrates thought that any attempt from the Shore must have been attended with fatal consequences to some of the Inhabitants. Capt[n] Hale brought up his Ship from the watering place to give them assistance, but on appearance of the Ship, the fellows seized the Boats & went ashoar armed at a distance from the Town & in several different places and made their escape. This is such a daring insult on all Authority & of such dangerous example that I make no doubt of your Excellencys ordering proper enquiry to be made for discovering any who may have

made their escape into your Government that they may be brought to Justice. I am, &c.

And (*mutatis mutandis*) To the Hon^ble^ Thomas Fitch, Stephen Hopkins, His Excellency Francis Bernard, and to the Hon^ble^ James Hamilton, L^t^ Gov. of Pennsilvania, &^c^.

To His Excellency Thomas Pownall, Esq.

New York August 22^d^ 1760.

Sir,

My Son inform'd you of M^r^ De Lancey's death by a Ship which sailed for Bristol in a day or two after I had taken the administration on me. At that time a continual flow of ceremony and business prevented my writing to your Excellency to inform you of this event, but I thought there could be no inconveniency in my omitting it at that time while my son did it. I now embrace the next opportunity of writing more particularly. You know I believe that after M^r^ De Lancey had taken the administration I retired to the Country, without the least expectation of anything like what has now happened. This was the only reason why I did not embrace the honor you did me by an invitation to correspond with you. I thought my writing could be of no use and might be troublesome to you. By my present situation perhaps I may be of some use, & in such case it will give me the greatest pleasure to receive your Excellency's commands.

Though you be already appointed to a more beneficial Government I have some hopes your Excellency may prefer this on Acc^t^ of the healthiness of the Climate, if it should be so it will add to the motives I otherwise have of delivering the administration in the best situation for your future care. From all appearance in the little time since I came to Town, I have reason to hope the administration will be made easy

to me which at my age I value more than its being profitable. Indeed I shall not be uneasy if I can prevent its being expensive.

By M^r^ De Lancey's death you know Sir that the office of Cheif Justice becomes vacant. M^r^ Chambers & M^r^ Horsmanden are competitors, and both are makeing interest with the Gentlemen of the Council which I suspect will be ineffectual. You know them both and I believe you know their abilities. I have told both that I will appoint no otherwise than during the King's pleasure. Both their Commissions of 2^d^ & 3^d^ Judges are during good beheavior, & they are both unwilling to accept that of Cheif Justice otherwise & therefore I expect the office will remain Vacant till the King's pleasure be known. It may be of use to know that the Sallary & perquisites of Cheif Justice are not sufficient to maintain a family in this Town, & I believe the Assembly will not increase the Sallary.

I am not known to his Majesties Ministers, I trust you will be a friend to me on this occasion, which will lay the greatest obligations of gratitude on, Sir, Y^r^ &^c^

Sent by the General Wall Packett Capt^n^ Leutwidge who sail'd Sept^r^ 4^th^.

To John Pownall.

New York August 22^nd^ 1760.

Y^r^ Brother Gov^r^ Pownall when he left New York desired me to correspond with him under direction to you, but as I then retired to the Country I thought my writing might be troublesome and of no use. Since the administration of the Governm^t^ of this Province has devolved on me by the Death of L^t^ Gov^r^ De Lancey I may have it in my power to be on some occasion, of

some use. I therefore give you the trouble of the inclosed to your Brother.

If Sir I can on any occasion be of any use to you it will give me the greatest pleasure to have an opportunity of shewing with what respect I am, Sir, &c

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To the Right Hon^ble The Lords Commissioners for Trade and Plantations.

New York, August 30th 1760.

My Lords,

On the 7th of this Month by a Ship bound to Bristol I informd your Lordships that (as in the draft of that Letter)

On the 16th I received the honour of your Lordships commands of the 13th of June by the Packet, & I shall punctually observe them.

I am not as yet sufficiently informed of what has been done during M^r De Lanceys Administration in relation to granting of Lands. As your Lordships are of opinion that the settling of our Frontier Lands is a measure of great publick utility, as it certainly is, it shall be a principal object of my attention, but untill the boundaries & Limits of the Colonies be settled in regard to the French by the peace, it cannot be considerd with precision. I have been forty years Surveyor General of the King's Lands in this Province, & by that means have had long Experience. If your Lordships think that I can be of any use to you in your deliberations on this matter, I shall with the greatest pleasure obey your Commands in every point within my knowledge.

Your Lordships observe that the limits of the land petition'd for in the Memorial presented by G^l Amherst, are very loosely and vaguely described, & I may add, in the same manner the boundaries of the great Tracts formerly granted in this Province gener-

ally are. The extent of the Waters & Rivers mentiond in Captⁿ Skene's petition are known to few people, & perhaps to none with any degree of certainty, but I am informd that within these boundaries a very large tract is contain'd, & a great part of it of a very rich Soil. As to the Tracts petition'd for by the Six Provincial Colonels I suppose that the boundaries of the several Townships are to be fixed in the usual manner by the proper officers of the Crown. All the Lands mention'd in both these petitions are undoubtedly within the boundaries of this Province as granted by King Charles the 2ⁿᵈ to his Brother the Duke of York. This I thought necessary to observe to your Lordships by reason of a claim some time since made by New Hampshire on what pretensions I know not.

Inclosed your Lordships will receive a Memorial of Mʳ Chambers, 2ⁿᵈ Justice of the Supreme Court of this Province that he may be appointed Cheif Justice. I know that the allegations in his Memorial are true. He is brother of the late Admiral Chambers, has an ample fortune & I never heard his integrity call'd in question, but as I am not a competent Judge of the proper qualifications of a Cheif Justice, I shall not presume to say further.

Since I had wrote so far a petition of several of the officers of the forces raised in this Province was presented to me for Lands which I find are included within the boundaries of the Land petition'd for by Captⁿ Skene, & therefore I have put a stop to the proceedings thereon till I shall know your Lordship's pleasure. The officers of this Province have in every respect equal pretentions with those of New England, with this farther in their favour that the Lands are in this Province. Coll. Haldiman of the Royal Americans I am told joins with the New York Officers, tho' his name be not made use of till he can take the benefit of the Naturalization Act for America. I shall only farther observe to your Lordships that the Lands containd within the boundaries mentiond in Captⁿ Skene's

Petition are sufficient to give ample encouragement to him & to the New York Officers.

On the 18th of this Month as the Ship Sampson of Bristol Osborn Greatrakes Master, a ship of 22 Guns on one Deck & 67 Men was comeing from Sea into this Port and passing his Majesties Ship Winchester, the Winchester fired Signal Guns to bring to, & sent her Barge to know what she was. As soon as the Barge, with the 3d Lieut and 13 men came on the Sampson's bow, the Lieutenant haild her & bid her bring to, on which the Crew of the Sampson fired a volley of musketry on the Winchester's Barge, & tho' the Lieut calld out to them to cease fireing and rowed from the Sampson, the Crew of the Sampson continued fireing their Musquetrie, by which four Men on board the Barge were kill'd, tho' not one piece was fired from the Barge at any time. The Sampson crouding all the sail she could got into the Harbour: soon after which Capt Hale commander of the Winchester sent his 1st & 3d Lieutenants to me with the men remaining of the Barge crew. Their evidence being taken by the Mayor of this City in my presence, and in the presence of one of the Judges, the Mayor issued his Warrant for apprehending the people on board the Sampson, but the Ship being placed at a small distance from the end of the wharf & the crew having armd themselves they bid defiance to all authority. The next day the Capt brought up his ship to the assistance of the Magistrates, on sight of which the crew of the Sampson seized the Boats, & went ashore armed in different parties at a distance from the Town. As soon as the Council could be calld, I issued by their advice a Proclamation to have the crew, every man by his name apprehended any where in the Province, & I wrote to all the neighbouring Governours for the same purpose, in case any of the crew should escape into their Government, & I order'd a detachment of the Militia of this city to assist the Sheriff, but all ineffectually, except as to one Man now in jail. The Master & first

Mate being on shore were committed to jail and afterwards admitted to Bail by Judge Horsmanden. It may be proper for me to add that tho' Capt^{n} Hale had not attempted to press one man since his Ship came into the River I am told that some other Capt^{ns} of his Majesties Ships had distress'd the Town by pressing Men from the Markett Boats & wood Boats and by other acts of severity, whereby the people in the Town & Country had generally received strong prejudices, & the Merchants of this Port had suffered by the Seamens removeing to the neighbouring colonies where they were free from any press.

It shall be my constant indeavour to deserve your Lordships approbation having nothing more at heart than to be with humble Submission, &^{c}

Sent by the General Wall Packett Capt^{n} Leutwidge who sail'd Sept^{r} 4th

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To the Right Hon^{ble} W. Pitt principal Secretary of State.

New York, Aug^{t} 30th 1760.

Sir,

On the 7th of this month by a Ship to Bristol I inform'd you of the Death of L^{t} Gov^{r} De Lancey, & that I had taken the administration of Government on me, being the first of his Majesties Council for this Province, in pursuance of a clause in his Majesties Commission to Sir Charles Hardy for that purpose in case of the absence or Death of the Gov^{r} in Cheife & L^{t} Gov^{r}.

I am under great concern least his Majesties service suffer by the loss of a person of M^{r} De Lancey's abilities & experience in the present situation of affairs. I am now advanced in years, having been about 37 of them in his Majesties Council for this Province. Were

my abilities equal to my zeal, I might presume to give greater assurances of the performance of my Duty, than I can in my present circumstances. By all appearances in the small time in which I have had the administration, I have reason to hope that the people of this Province will be united in their zeal for his Majesties service as much as at any time & that they will endeavour to make my administration easy to me.

Nothing in my power shall be wanting in my duty to his Majesty, and if my endeavours Sir shall receive your approbation, it will compleat all the happiness which an old man can wish, who is with much devotion for his Majesties Service, Sir, &c

Sent by Dº Septr 4.

To His Excellency General Amherst.

New York Septr 4th, 1760.

Sir,

I have the honor of your Excellency's commands of the 19th & 26th of last month. Your success in reduceing Fort Levis in so short a time, & with so inconsiderable loss, under so many difficulties attending the enterprise, must give the inhabitants of this Province great joy, as thereby their frontiers to the westward, especially on the Mohawk's River are effectually secured as well as the navigation on the Lakes. With the greatest pleasure I congratulate your Excellency on your success in this instance more especially as it opens the door for more signal effects to the honor of his Majesties arms & future security of his people, of which all make the most happy presages, while under your Excellency's direction.

I shall communicate your Excellency's Letter to the Council this day & I make no doubt of their joining with me in opinion that a proclamation will be very

proper to encourage people to return to their settlements which had been deserted and to the improvement of the uncultivated Lands on the frontiers; and you may be assured that Capt^{n} Wheelock shall receive all assistance that may be necessary on my part.

The Packett is now under sail with a fair Wind. We have nothing new at this time. I shall think myself a happy old man, if I can convince you that I am with the greatest sincerity, Sir, &^{c}

To Captain Campble Commander of his Majesties Ship Nightingale and to Capt^{n} Greenwood Com^{r} of his Majesties Ship Zephyr.

New York Sept^{r} 5, 1760.

Sir,

I think it will be agreeable to you to have the inclosed information which I received this day from Edward Richards Master of the Ship Alexander, at the same time I have the pleasure of assuring you that I am with great regard, Sir, Y^{r} most obey'd^{t} humble Serv^{t}.

To Joshua Henshaw, Esq^{r} att Boston.

Fort George City of N. Y. Sept. 15th 1760.

Sir,

I have the favour of yours of the 5th Instant. I am told that a copy of the Act for paying £2500 for the releife of the poor sufferers in the late fire in the Town of Boston was sent to your late Gov^{r} & it was immagin'd you could be under no difficulty as to the manner of receiving the money after perusal of the Act. I do not in the least suspect that the Treasurer will make any difficulty in paying the money; but as it cannot with certainty be known here, who are the Select men

& overseers of the poor in the Town of Boston, it may be proper that your Governor certify that the persons who give the order for receiving the money, are the Select men & overseers of the poor. It may be proper likewise to annex a copy of the Act which is refer'd to in the order of the Select men. I inclose a certifyed copy of the act, least that which was formerly sent be by any means lost. I am with great regard, Sir, Y^{r} most humble Servant.

To John T. Kemp, Esq, His Majesties Attorney General for the Province of New York.

Fort George Sept^{r} 19th 1760

Sir,

The contents of your Letter of yesterday surprises me. I shall apprize the Collector with what you alledge, & I shall be glad to have some more particular information as what you now write is only in general without specifying any one particular to which a specific answer can be given. You may assure yourself of all the assistance I can give you in preserving the rights of the Crown and that I am, &^{c}

To His Excellency Francis Bernard Esq Capt^{n} General & Gov^{r} in Cheif of the Province of Massachusetts Bay.

Fort George Sept^{r} 22nd 1760.

Sir,

Yesterday I communicated the advice which I received by your Excellency's Letter of the 12th Instant to Capt^{n} Campbell, which he observ'd to me was precisely the same with an information I had sent him on the 5th Inst. by a Master of a Ship which saild from

hence for Virginia & returnd to this place, on the sight of the same number and kind of vessels mention'd in your Letter, after he had been off Cape Henry.

Captain Campbell convinced me & the Master himself that the ship he saw of 24 Guns was the Philadelphia Ship of War from whom Captn Campbell had parted a few days before the Master saw her, & that the Brigantine & sloops must have been inward bound Vessels which the Philadelphia Frigate had spoke with. The Master was so far convinced of the Truth that he proceeded again on his voyage to Virginia, & many Vessells have since that time come into this port without having discover'd any Ennemy. Captn Campbell proposes to go on a cruise again in 3 or 4 Days & will observe the signals which I gave him for the King George.

I congratulate your Excellency on the glorious news of the Reduction of all Canada of which you will receive the particulars from the General himself by this Post. I have honour to be, Sir, &c

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To His Excellency Major General Jeffrey Amherst Commander in Cheif of all his Majesties forces in America &c

Fort George, Septr 22nd, 1760.

Sir,

I have the honour of your Excellencys Letters, one publick & the other Private of the 9th & a third of the 13th of this month. With the greatest Joy I congratulate your Excellency on your glorious success in reduceing the whole Country of Canada intirely to his Majesties Dominion, & the people in this place have universally demonstrated their joy by every publick testimony in their power.

I have given publick notice to the Merchants nearly

in the same words with Your Excellency's commands to me of the 13th

Coll De Lancey came to me this morning and informed me that he had made your Excellency an offer of his House in Town. This has removed great uneasiness I was under from the thoughts that my being in the House in the Fort might put you to much inconveniency, & before this I had no choice. I have told Mr De Lancey that with his leave I would go into his house & leave the house in the Fort for your Excellency where you can be better accommodated than any where in Town & the other house is in every respect sufficient for my family. I beg your Excellency's acceptance of the house in the Fort & that you'll please to let me know about what time you propose to be in New York, that the House may be ready for your reception.

I have the honor to be with the greatest respect, Sir, &c

To the Honble Cadwallader Colden, Esq., *President of his Majesties Council and Commander in Cheif of the Province of New York, & the Territories depending thereon in America.*

The Memorial of John Chambers Second Justice of his Majesties Supreme Court of Judicature for the Province of New York.

Sheweth

That on the 30th Day of July 1751 his Excellency the Honble George Clinton Esq then Governor of this Province, was pleas'd, by & with the unanimous advice & consent of his Majesties Council to grant unto your Memorialist his Majesties Commission appointing him second Justice of the said Supreme Court, During good behaviour, that on the 2nd Day of March thereafter, his said Excellency in Council communicated a

paragraph of a Letter from the Earl of Holderness, one of Majesties Principal Secretaries of State of the 20th Novemr 1751 to his said Excellency in these words: "His Majesty approves of your appointing John "Chambers Esq Second Justice of the Supreme Court "during good behaviour in the Room of Mr Phillips "deceased." That in virtue of the said commission your Memorialist hath faithfully & according to the best of his abilities exercised & discharged the duties of the said office and as he hopes to the general satisfaction of the Publick.

That the late Lieutenant Governor De Lancey, obtain'd from his said Excellency Gov. Clinton, his Majesties Commission appointing him Cheif Justice of this Province during good behaviour, but did not execute that office while in the administration of Government.

That your Memorialist is informd application hath been made to your honour for the said office or place of Cheif Justice & that you have been pleased to Declare that as the Bench of the Supreme Court is now fill'd by 3 Judges, and there cannot be any immediate want of a Cheif Justice, You chose to defer makeing any appointment until you should receive his Majesties directions thereupon.

That in the year 1747 Mr Justice Horsmanden was removed by Govr Clinton from the office of third Judge which remained vacant near Six years. That during this period your Memorialist was appointed Second Justice, & that about two years after he had taken his seat as such, Mr Horsmanden was again appointed third Justice, & hath ever since continued in the exercise of that office, so that your Memorialist humbly conceives Mr Horsmanden can have no Just claim to a preference in this case from his having first assumd the Bench.

Wherefore your Memorialist humbly hopes your honour will be pleased to transmit this state of his case in order to be laid before his Majesty, with such

recommendations of him to be appointed to the office or place of Cheif Justice as to your honour shall seem just & reasonable.

(*Signed*) Jno. Chambers.

New York, August 19th, 1760.

Paragraph of a Letter from his Excellency Governor Clinton, to his Grace the Duke of Bedford. Dated New York, August, 1751.

I think it proper to remark to your Grace that Mr Phillips Second Judge of the Supreme Court, having dyed three Days Before the beginning of the last Court in July, there was an absolute necessity of appointing another. I thought of John Chambers Esqr to fill the vacancy a Gentleman who has practised the Law here above 25 years, with a good reputation & a large Estate, & a person the most agreeable to the whole people of the Province, as he has always behav'd with moderation, never countenancing any faction. Upon my offer of the office to him he declined it, unless it were granted during good behaviour, with such strong reasons as convinced me of the necessity & fitness of Granting of the office to him in that manner, and have not the least reason to believe, that either I or any of my Successors, or the people in general will have any cause to wish he had a less tenure in the office.

To Governor Clinton.

White Hall, 20th Novr 1752.

His Majesty approves of your appointing John Chambers Esq Second Judge of the Supreme Court

dureing good behaviour in the room of Mr Phillips, Deceased.

I am, Sir, your most Obedient humble Servant

HOLDERNESS.

TO THE LORDS COMMISSR FOR TRADE & PLANTATIONS.

New York, Septr 20th 1760.

MY LORDS,

With great joy I congratulate your Lordsps on the entire reduction of the whole Country of Canada to his Majesties Dominion by his Forces under the command of Major Genl Amherst, & that the finishing part of the Generals prudent conduct has been without bloodshed. The particulars no doubt your Lordships will have learnd from the Generals dispatches by way of Quebec before this can reach you. However I cannot pass over the pleasure I have in the Generals having had an opportunity of convincing the world that the Indians are as capable of learning humanity from the English as they were of cruelty from the French. We now persuade ourselves that an end is put to the war in America.

With this will be transmitted to your Lordship in a box Ingrossed Copies of Ten Acts pass'd by Lt. Govr De Lancey the 10th June last, Journals of the Proceedings of the Council from the 13th of May to the 10th of June last.

Minutes of Council from the 2nd of July 1759 to the 21st of August 1760. Votes of the Assembly from the 11th of March 1760 to the 10th of June. The Sallary of the governor being determin'd on Mr De Lancey's death and the Sallaries of all the other officers of government on the first of this month, it has become necessary to meet the Assembly of this Province which I propose to do the 21st of next month. I still hope that the public affairs will be transacted with unanim-

ity. I am with the greatest respect, My Lords, Y^{r} Lordships most obeydient &^{c}

To the Same.

New York October 27th 1760.

My Lords,

I did myself the honour to write to y^{r} Lordships the 20th of last month, at which time I expected the Packet would have sail'd. Since that time I have met the Assembly and made the Speech which I inclose. They have resolved to make an Address in return to it, which I expect to receive next Wednesday & I hope everything will pass with unanimity. I am with the greatest submission My Lords, Your

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To M^{r} Pitt Secretary of State.

New York Oct^{r} 27th, 1760.

Sir,

On the 7th of August, & afterwards on the 30th of the same Month, I had the honour to inform you of the Death of Lieu^{t} Gov^{r} De Lancey; & that in pursuance of the powers in his Majesties Commission to the Capt^{n} General & Gov^{r} in Cheif of this Province I had taken the administration of Government upon me as President of his Majesties Council for this Province, since which I have the honour of your commands of the 23rd of August in relation to an illegal and pernicious trade carryed on by the king's subjects in North America, to the French Islands and French settlements on the Continent.

For several years before I entered on the administration I had resided in the Country, at a distance from this Town, & I was thereby intirely a Stranger to the

Mercantile transactions in it. As soon Sir as I had the honour of knowing his Majesties pleasure, by your Letter, I communicated it to his Majesties Council, & desired their advice as to the most effectual means of answering the intention of it.

I likewise directed the officers of the Customs to give me what information they can, & ordered them to use all possible diligence in discovering what they can of this illegal trade & the persons concerned in it. At the same time I directed his Majesties Attorney General to make what discoveries he can, & to inform me of every legal step that can be taken for discovering the persons concern'd in these flagitious practices & for bringing the offenders to the most exemplary & condign punishment. And I strongly exhorted the Magistrates of this City to their Duty on this occasion After I had done these things I endeavoured by myself to get what private information I could ; but none could be induced to inform against any particular person, tho' from what I can discover I am persuaded the Merchants of this place have been too generally concerned in this illegal trade and that the Merchants in Philadelphia have been more so.

The method taken to conceal this trade so far as I can learn has been to ship off large quantities of provisions to the New England governments for which the Merchants give Bond as the Act directs, & return proper certificates of their being landed. They likewise bring back French Sugars to New Jersey & the New England Collonies, which are from thence imported into this place with proper cocketts of their haveing been legally imported. That this may be put in a clearer light I have directed the Collector of the Customs in this place to make out an account of the Provisions exported to the neighbouring Collonies, & of the sugars from thence imported, since the commencement of the War, which I expect to obtain, so as to send with this otherwise I shall send it by the next Packett.

Besides this, I make no doubt provisions are privately sent off from some of the many ports on this coast, where there are no officers. The officers of the Customs assure me, that the clandestine illegal Trade, cannot otherwise be prevented, than by cruisers properly station'd. I am inclin'd to believe that this method would most effectually put an end to illegal Trade, because all agree that the Trade with the French Islands, is now effectually stopp'd by the many seizures made by his Majesties Ships of War by which some of the Merchants have been entirely ruin'd, and all of them have suffer'd greatly.

After the strictest enquiry that I can make, not one Vessell has gone at any time since the commencement of the war from this Province, to Mississipy or Mobile, or to any French Settlement on the Continent, but I am told some Vessels have gone from some of the New England Collonies.

Now Sir, after I have given you what information I have obtained, permit me to tell you what has been said in excuse. It is aver'd that this Trade has been highly advantageous to Great Brittain, by the great quantities of British Manufactures, in value far exceeding the value of the Provisions, & by the large returns in sugars; & some pretend they can demonstrate this against the force of all contradiction.

However this be, I shall punctually do my Duty, by observing his Majesties Commands and if anything farther comes to my knowledge, I shall from time to time inform you of it.

To M^{R} Collinson.

New York, Oct^{r} 27th 1760.

Sir,

When I wrote to you by the last Packett I inform'd you of an unexpected change in my situation of Life.

I had retir'd to the Country with a firm purpose to pass the remainder of life in such amusements as best fitted my age, & were most agreeable to my own inclinations & for that reason I enter'd upon the philosophical speculations which you have seen, in hopes however that they might likewise prove usefull. But by the Death of our L^t^ Governour, I was laid under a necessity of takeing the reins of Government into my hands, which has produced as great a change with respect to myself as well could happen.

All my amusing speculations are at an end at least for sometime, I am obliged to be perpetually in Company & to give a quite different turn to all my thoughts. However, I have this satisfaction that I was receiv'd with as much respect as I could desire, & the same respect continued. I have not heard of one discontented Person, or who wishes a change. The Assembly of this Province is now setting, the time is so short since they mett, that they have not had an opportunity of declareing their sentiments publickly but I have reason to hope that everything will be as I wish.

I intend to write to the Earl of Halifax by the next Packett, which will sail soon after this, by which time they will have given publick evidence of their disposition towards me.

The removeing from private life to this publick station has already occasion'd so much expénce that unless it be thought proper to continue me longer than one year, it will rather be a prejudice to my private fortune than of advantage. I hope for some favour from my Lord Hallifax, & therefore I must beg of you to wait on him, to know his inclinations with respect to me. Perhaps if it be thought proper to continue me any time longer, they may incline to send me the commission of L^t^ Governor, in order to give me the more influence. This I expect will be attended with no great expence as the Commission passes only under the signet and Sign manual. I propose to remitt to you by the next Packett a Bill sufficient for that expence.

You have on all occasions shewn yourself so much my friend that I think I may with pleasure give you this trouble, as it may be very useful to me & my family. May it now be in my power somehow to make a proper return. It shall be my constant and cheif aim to be usefull to the publick weal in my station, & my success in this will be, I know, the best return to you, tho' I should not have it in my power to do anything personally for yourself. If you be acquainted with M^{r} Pownall Secretary to the Board of Trade, he can be of great use by giving you information & otherwise. I intend to write to him likewise by the next Packett. My Son tells me you may make use of his money in your hands in case you want it for me, before I can remitt to you. My Dear Friend you see what confidence I place in you & that I am most affectionately Yours &^{c}

To M^{r} Kemp Attorney General.

Fort George October 11th 1760.

Sir,

About an hour since I received a Letter from you by three Saylors, I desired them to tell you that I wish'd to see you as soon as possible, & I now write this to tell you that I think it your Duty to inform the Magistrates of what is come to your knowledge to apply to them in what may be necessary to be done by them, & likewise to advise them in the proper steps to be taken and I expect that in doing this you will make no delay, least such atrocious criminals may escape. I am Sir your most humble servant.

To the Hon^rle Sir William Johnson B^t

New York Nov^r 3^d 1760.

Dear Sir,

I receiv'd the Honour of yours of the 23^rd of last month with the greatest pleasure, as I am thereby assur'd you had not forgot your old Friend, after a silence for some years from our very different situations. Nothing in my present state can give me more pleasure than the hopes I have thereby of renewing that friendly intercourse which formerly subsisted between us & of assuring you of the high respect I have allways retain'd.

I am confident you will be pleas'd when you know that a very great unanimity subsists in the Government whereby I hope my administration will be made easy to me in my old age. The Assembly have resolved to give me the same support which they gave to the Lieu^t Govern^r & this was done almost unanimously.

I was formerly a useless friend, It will give me the greatest pleasure if I now can be of any use to you & to have many opportunities of convincing you with what high esteem I am, Sir

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To M^r Kemp Attorney General.

Fort George Nov^r 3^d 1760.

Sir,

Captain Greatrakes and his Mate have preferred a Petition to me in Council, praying either to have an examination of the witnesses in order for their discharge or to be tryed by Commissioners speedily. I have ordered the Council to be summoned to meet tomorrow at eleven before noon in the Council chamber in the Fort to consider this Petition. I think it may be proper for you to attend at that time, especially as

I expect that Mr Smith, Junr, will appear on behalf of the Petitioners.

To Major General Amherst.

New York Novr 8th 1760.

Sir,

I have the honour of yours of the 4th inst, & I shall give direction to the Mayor to have the Barracks in readiness for the reception of 4 Companies, which I am confident will not be disagreeable to the people of this place.

This day I intend to put an end to the present Sessions of the General Assembly. Everything has passed with so much unanimity & to my satisfaction, & they seem to have so much confidence in me that I flatter myself his Majesties service will not suffer while the administration is in my hands.

The only thing which has given me uneasiness is the necessity I was under of going into the Fort. I endeavoured all I could after I was in the house as well as before to have prevented the inconveyniency which thereby has happened to your Excellency but it was not in my power. Mr De Lancey I was told as soon as he knew that you declin'd going into his house wrote to Mrs De Lancey to prepare to go into it. Every opportunity I shall have will give me the greatest pleasure in shewing with what great respect I am Sir

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To the Right Honble the Lords Commissioners for Trade & Plantations.

New York Novr 11th 1760

My Lords

On the 20th of Septr last, I had the honour to write to your Lordships, at which time I transmitted under the

Seal Transcripts of the Acts passed in the last session of the General Assembly, while M^r^ De Lancey had the administration. And on the 27^th^ of October I had likewise the honour to inform your Lordships of my having met the assembly & transmitted a printed copy of my Speech to them, which was all I could do at that time.

I have now the pleasure to inform your Lordships that I have not been disappointed in my expectations that the publick affairs would be carried on with unanimity which I am well assured was never more perfect than at this time. The assembly have granted me the same Sallary they did to M^r^ De Lancey, the doing this is certainly the most effectual testimony of their confidence and regard. At the same time I believe they were sensible of the extraordinary expence which unavoidably attends the administration at this time, from the excessive price of provisions and from other contingent expences not usual at other times.

The Assembly was adjourned on the 8^th^ instant to the first Tuesday in January next. General Amherst having order'd the Packett to proceed immediately with his dispatches for the Secretary of State I have not time to give your Lordships a particular account of the proceedings. I can only at this time transmitt Printed copies of the Addresses of the Council & Assembly I shall transmit copies of the Minutes of the Assembly and of the proceedings of the Council, as soon as they can be made out. I flatter myself your Lordships will not be displeased with anything I have done.

My Lords, I have serv'd the Crown many years. I have often endeavoured to support the rights of the Crown to the prejudice of my private fortune. I hope your Lordships may think it consistent with his Majesties service, to allow me to continue some time in the Administration a sa reward to my past services & encouragement to others. The confidence of the people and their regard is now so evident that I flatter

myself I may be as usefull as another, in promoting his Majesties Service. Sure I am, that how far so ever I may be exceeded in ability none can be more sincerely zealous for the interest of the Crown, or will more punctually observe any commands which shall be given. If your Lordships shall think proper to signify the Kings pleasure, that I may continue to execute the powers of the King's commission it will add to the influence I have for his Majesties Service. The Commission of Lieut^{t} Govern^{r} would be a stronger proofe of any confidence your Lordships shall please to place in me & thereby give me more influence; but cannot be of any greater advantage to my private interest.

Allow me to assure your Lordships of my constant attention to my Duty, that I may thereby merit your approbation & that I am with great submission My Lords Y^{r} Lordships &^{c}

To the Right hon^{ble} the Earl of Hallifax.

New York, Nov^{r} 11th 1760.

My Lord,

I had the honour of writeing to your Lordship on the 11th of August last. Since which time I met the general assembly of this Province the 22nd of last month, & adjourned them on the 8th of this month to the first Tuesday in January. The people in general, and the assembly more particularly have given me the strongest evidence of their confidence. The assembly have granted me the same sallary the L^{t} Governor had, and with more unanimity than it was done before.

Lt Governor DeLancey's Interest was on the Decline before he dyed. His Brother M^{r} Oliver informd me that he had his Majesties Mandamus to be of the Council but as thereby he must lose his place in the assembly, he declined making any use of it, till he can make interest to have the Lieutenant Governors eldest

son chosen in his place. He tryed his Interest and drop'd the attempt at that time: whether he will again renew his indeavours I know not, as he still declines to make use of his Mandamus.

The greatest uneasiness I find the people under is from an apprehension that some needy person may be appointed to the office of Chief Justice in this Province. This has been occasioned by the late appointment in New Jersey. The people in general have received strong prejudices thereby; but at the same time I must declare I know nothing of Mr Jones, having never seen him. The Assembly had prepared an address to me to appoint a Cheif Justice during good beheaviour, which was shewn to me privately. It was most respectful as to myself, and I had interest enough with them to drop it on assuring them that I would represent this matter to your Lordship. The people in general are desirous that a person of fortune among themselves be appointed. For this reason, I believe, an Assembly will never grant a Sallary sufficient of itself for the dignity of the office that needy persons may be discouraged to make application for it.

On my former Letters to the Lords of Trade, I transmitted a memorial from Mr Chambers Second Judge of the Supreme Court with his pretentions to the office of Cheif Justice in preference to others of this place. Tho' some think that he is not of bright parts, yet from what I can learn he will be the most acceptable to the people in general.

From some conversation I had with the Speaker, when I persuaded the assembly to drop their address, I hope the Assembly will remain satisfyed with the appointment of a Cheif Justice during the Kings pleasure, on condition that I be allowed to pass a Law, that no Judge shall be suspended or removed by a Governor, otherwise than by express command from the King, or by desire of the assembly signified by publick address or by advice & consent of the Council signified under the hands of at least Seven of them.

As this seems only to guard against arbitrary removal of Judges by a Governor, I resolved to mention it to your Lordship.

Your Lordship has had more opportunities of knowing me than any other person of distinction in England, for I have outlived all my particular friends there: and as the respect shewn me generally since I took the administration on me, makes me flatter myself, that I may be as usefull in his Majesties Service as another, I beg your Lordship's favour to continue in it some time. Perhaps under your Lordships direction I may be able to prepare matters in such manner as to make the administration of a Governor in cheif more easy & honorable, for at present it cannot be consistent with the private interest of any person of distinction to accept of the Government of this Province in its present situation.

My constant endeavour shall be to show myself worthy of your Lordship's patronage, & that I am with the greatest sincerity & submission My Lord, &c

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To Mr Secretary Pitt.

New York Novr 11th 1760

Sir

On the 27th of last month I had the honour to write to you, in answer to yours of the 23rd of August, a duplicate of which I now enclose. I was not able to get the Accounts from the Custom House mention'd in my former, before the Packett sail'd, but I have now obtain'd them, & inclose them with this.

By these accounts you will perceive Sir that the exportation of Provisions has been cheifly colour'd, from the Ports of New Haven & New London in Connecticut, & from Rhode Island and that the importation of French Sugars, has been by colourings from the same Ports, & from Perth Amboy in New Jersey,

under the denomination of Prise Sugars & Brittish Sugars from Gaudaloupe.

Being under a necessity to meet the Assembly of this Province, my time has been imployed intirely in the affairs of the Province, since that time, so far that I have not been able to inform myself farther; but I shall not fail to gain all the information I can in order to communicate it to you. In the meantime I beg the honour of being Sir &c

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To Mr Peter Collinson, Merchant, London.

New York Novemr 11th 1760.

Dear Sir

The General has ordered the Packett to sail with his dispatches for the Secretary of State, so much sooner than I expected, that I am much hurried by writing to the board of Trade, Lord Halifax & Mr Pitt that I cannot write to you as I intended, for ever since my last I have been closely imployed with the Assembly of this Province. I have however the pleasure to assure you that the publick affairs never were transacted with greater unanimity than since I have had the administration. Nor has any Cheif Governor received more marks of respect than I have receivd; one strong instance of which, not to mention their Address is that the Assembly have granted me as large a Sallary as they have at anytime given to the Governor in Cheif. I hope that my Lord Hallifax may think that I may be of as much use as another in his Majesties service & for that reason may think it proper to continue me in the office for some time. You have on all occasions been so much my friend that I perswade myself you will not take amiss my desireing you to wait on Lord Halifax to know his pleasure in this respect, or in case your business do not permit you, to imploy some other proper person for this purpose.

I design likewise to write to Mr Pownall Secretary to the Board of Trade, from which the inclinations of the Board of Trade may be more easily learn'd than otherwise. I expect that some compliment is to be made him for his trouble.

The sudden going away of the Packett prevents my sending the Bill of Exchange as I design'd, but I expect it may come timely by the next Packett.

I am obliged to use my son David's hand in writing this to you, not having time to do it in my own. I am

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To John Pownall, Esq., Secretary to the Board of Trade.

New York November 11th 1760.

Sir

You will see by the Letter I have the honour to write to the Lords of Trade & Plantations, that the affairs of this Province go on with great unanimity of which I have likewise wrote more particularly to my Lord Hallifax & from thence I hope they may think it consistent with his Majesties service to continue me sometime in the Administration. You will oblidge me extremely by informing me as soon as you can of their inclinations. I am very sensible of the favor it is in your power to do me, & for that purpose I have desired Mr Peter Collinson to wait on you.

Our Assembly seem not well satisfyed with their Agent Mr Charles. Your name has formerly been mentioned among them the cheif objection has been your brothers attachment to the Massachusetts Bay. As that, I presume, is now dissolvd, I shall be glad to know your inclinations as to accepting of the trouble of the Agency for this Province. If it suit your inclinations it will give me the greatest pleasure to have you in the confidence of the people of this province, so far as to be of use to yourself as well as to them.

Please to make my respectfull compliments to your Brother & allow me to be Sir

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To the Lords Commis^rs for Trade & Plant^s.

New York Nov^r 11^th 1760.

My Lords

The Tyde not serving for the Packet so soon as I expected this morning I have time to inclose the proceedings of the Assembly so far as they are printed, & a list of the Acts to which I have given my assent, which I had omited in my Letter of the same date with this. By the Titles of the Acts it will appear that they are for continuing Acts formerly in force & the principal of them for the support of Government, & others for Highways & things of no consequence. The new acts of any consequence are only two. One for the regulateing Seamens wages which I am assur'd is planned on an Act of Parliament to the same purpose for England which is thought not to extend to the Plantations tho' it be highly necessary for the benefit of Trade. The other is to prevent a fraud lately become frequent among debtors in this Province to the prejudice of their Creditors, by absconding or removeing out of the Province, while they have in Lands sufficient to pay their debts. But of these I shall give your Lordships a fuller Account when I transmit the Acts, & the reasons for my giving my assent to them at this time, which I flatter myself your Lordships will approve of & allow me the honour to be with great submission, My Lords

The six foregoing letters went by the Harriot Packet Captain Brayly, who sail'd on the 12^th

To His Excellency Major General Amherst &c

New York Novr 13th 1760.

Sir

I have the honour of your Excellency's Letter by Captn Dalyell, & I shall take care that the troops you have allotted for Long Island shall not be kept long on board, but as several vessells are arived lately from Sea, & no large vessels seen on the Coast, I suspect the Troops you mention are not destin'd for this Port.

Yesterday I receiv'd a Letter from Govr Ball dated at Charles Town the 21st of October, in which he desires me to forward his Letters to your Excelly as no time ought to be lost. My Letter came by way of Phila and as no letters have come from him directed to your Excellency either to my hands or to the Post Office, I suspect they are inclosed in a Packet which I am told is from Genl Monckton. But least it should be otherwise I think it proper to transcribe what Mr Bull writes to me in relation to the affairs of that government, viz—

Coll. Bird at the head of one thousand Men, besides near 400 "Rovers & Waggoners mostly arm'd, upon "consultation with the Little Carpenter, thinks a satis- "factory peace practicable, & has accordingly sent a "Message to them, which he calls his last offers for "Peace, denouncing terrible vengeance in case they re- "fuse to accept his terms. But he informs me of one "circumstance which is prudently concealed from them, "that if peace is not made, their frontier will be ex- "posed, as his troops are to be disbanded in a few weeks. "And as the Indians apprehending an attack from this "Province as well as Virginia, begin to see their dan- "ger, and I believe peace made while we have a re- "spectable force ready to enter their Country, may be "made upon honourable & lasting terms, I have "wrote very fully to General Amherst for some assis- "tance, which I hope his Excellency will speedily send,

"and if he should not be at New York on the arival "of this Vessel, I beg you will forward my Dispatches "to him, as no time ought be lost therein."

P. S. Oct^{r} 24th 1760.

"I have the satisfaction to acquaint you, which I "sent out to relieve fort Prince George, has happily "executed my orders in throwing in the Meat of 26 "Beeves, 2550 w^{t} of Flower, Match & a quantity of fire-"wood. The Indians who had assembled in the lower "towns to hear my talk, to the number of 2000, 1400 "being Men, not being able to come to a determination, "as they were call'd upon by Coll. Bird as well as me, "were all gon over the hills to send a deputation to "him, the result whereof I must now wait."

Sir I long much for the pleasure of seeing you in this place personally to acknowledge with what great respect I am &^{c}

To Major General Amherst at Albany.

New York Nov^{r} 20th 1760.

Sir

I have the honour of your Excellency's Letters of the 13th & 16th Instant. Saturday last, near Evening, Coll. Vaughan ariv'd with part of his Regiment in one of the transports. After some conversation with him he desird that his whole Regiment might be quarter'd on Long Island as they would not much exceed 500 men which I have complied with & I have order'd quarters for them accordingly. The other Transports with the rest of his Regiment & the Dover are still kept at the Hook by contrary Winds. When Captain Herring went from this to Albany, I had not time to write & suppos'd he would inform your Excellency of the disposition made of Coll. Vaughan's Regiment.

On Saturday likewise arived a Vessel with Cloathing for several Regiments of the army under your Command, & yesterday I was told that she had the

Cloathing likewise for the four Independent Companies of New York, directed to the Commanding officer of these Companies. I cannot learn that any person has any direction as to this cloathing. The Governors of this place formerly had the Cloathing of these Companies, but how it is at present I know not. As the passage by Water to Albany may soon be shut up, I think to order them for Albany in a sloop now going thither, that the Men may have the benefit of the Cloathing this Winter, and that your Excellency may give the proper orders for that purpose.

It gives me the greatest pleasure that you approve of anything it is in my power to do, for I really am with great respect Sir Yr &c

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To Govr Bull of So Carolina.

New York Novemr 29th 1760.

Sir

I have your kind favour of the 21st & 24th of last month. It gives me the greatest pleasure to observe that you retain favourable sentiments of me & that your friendship continues after such a distance of time since I had the honour of your acquaintance. I make no doubt it will give you some pleasure to Know that the affairs of this Government are carried on with great unanimity both in the Council and Assembly which contributes much to my ease in my old age, while the administration is attended with a much greater variety of incidents than usual.

Perhaps it may be of some use to you to know the sentiments of the people in this Province with regard to the conquest of Canada & the restoreing of any part of it, for which purpose I inclose the addresses of the Council & Assembly.

General Amherst came to this place last Wednesday, he tells me that he intends as soon as possible sending you a reinforcement of Troops. If I mistake not 12 Independent Companies, which arived lately in this Port from England & three Companies to be detach'd from the Regiments in this Province, but these last are not arived at this place from the Frontiers. Coll. Grant who was Major under Coll. Montgomery & Major Moneypenny are to command them. Coll. Montgomerie is gon to England.

I am sorry to hear of the unhappy situation of your Province at this time. May your prudence in overcomeing all difficulties become thereby more conspicuous, to your own honour, & the restoreing of tranquility to your Province. This will give the greatest joy to Sir Y^{r} &^{c}

To M^{R} Pitt.

New York Dec^{r} 4th 1760.

Sir

I had the honour on the 27th of October & 11th of last Month to write to you in answer to your Commands of the 23rd of August last. I am now to inform you that, by advice of his Majesties Council of this Province, I have repriev'd Thomas Pearson, lately Mate on board his Majesty's Ship Mercury convicted in the Supreme Court of this Province of the Murder of Mary Allen & condemned to dye for that crime. I was at the sametime advis'd to recommend him, as a fit object for the King's Mercy.

While the Ship lay in the River near this Town, this Man, being on Shore & in liquor was intic'd into a bad house kept by the above mention'd Mary Allen, a woman of an infamous character, where his pocket was pickt of nine guineas. This occasion'd a quarrel with Mary Allen, in which this unhappy Man wounded her with his sword, of which wound she dyed.

Capt[n] Faulkener & all the officers of the Mercury & many of the Seamen gave a good character of this Thomas Pearson, certifyed under their hands, "that "he had constantly behaved himself soberly, dis- "cretely, honestly with much good nature & inoffen- "sively both on board and on Shore," and as he appears to be penitent, the people of this place tho' he be a stranger in it, have compassion for him & wish that he may obtain the King's Pardon.

But the report of the Judges, from the evidence in Court, as appears by the inclos'd Minute of Council, cheifly induced me to repreive him untill his Majesties pleasure shall be known, & to recommend him to the Kings Mercy & Pardon.

I have the honour to be with great submission Sir

(P[r] the Dover Man of War)

To General Amherst.

New York Dec[r] 26[th] 1760.

Sir

This Day I receiv'd the inclos'd Letter from the Sheriff of Albany, which at his desire I communicate to your Excellency, & I beg the favour of your adviseing me of what may be proper to be done. I am with the greatest respect Sir Y[r] most obeydient & most humble Serv[t]

To His Excellency General Amherst, &[c]

New York Dec[r] 28[th] 1760

Sir

I am much obliged to your Excellency for your favour in writeing so largely on the subject of my last. I am fully satisfyed of the necessity your officers

have been under of useing force; but at the same time it is possible they may sometimes have run into excesses.

Yesterday morning I desired M^r. Scott the attorney to attend me. I did not see him till after twelve of the Clock, when I met him in the Street as I was going with M^r Kennedy to make our compliments to you. At that time I told him that I thought his Client would have found redress, much more easily, & more effectually by address to your Excellency. He proposed to go with me, but I thought it improper to have that affair mentioned on the occasion of my waiting on you at that time, & he promised to attend you afterwards. It shall be my endeavour that in all complaints of this kind, the persons who think themselves aggrieved may apply to your Excellency for reliefe.

In the present case, however, I cannot avoid haveing pity for the Sheriff, without entering into the Merits of the cause of action, because he is only a meer Tool or Instrument of the Law. He is lyable for damages to the party, & to be amerced at the pleasure of the Court if he wilfully neglect to do his duty. He is not at liberty in the least to judge of the merits of the case.

I can imagine to myself what troublesome guests nine soldiers and three women must be in a private family, when they may think, that they are sent there to satisfy the resentment of their officer. I must therefore entreat your Excellency to give orders for the relief of this distress'd family. I shall not answer his letter, till I shall know your pleasure as to his reliefe. Then I can write more fully to him & to the Magistrates in relation to litigious suits against officers of the Army doing their Duty.

You may be assured that nothing shall be wanting to do you pleasure which is in the power of Sir, Y^r &^c

To Jacob van Schaick, Esq., High Sheriff of Albany.

New York Dec^{r} 28th 1760.

Sir

I have represented to the General what I think a peculiar hardship in your case, & from what I have learn'd from him you will receive immediate releife from my Lord Rollo, if what you have represented be true, as I presume it is. At the same time I must desire you to tell the Magistrates from me that they ought by all means to discourage litigious Suits against the officers in the army for things done in the execution of their Duty. Many things become necessary for the publick service which people may imagine to be illegal, but which the necessity of the service makes allowable. When it is considered what security in our property, religion & lives has been procured to us by the army, I perswade myself that the people in Albany will think it more especially their Duty to shew their gratitude by avoiding every occasion of dissention, & by cultivating unanimity with the army. Where any real injury has been done, I am perswaded they will receive redress more easily, speedily & more effectually by applying to the General or Commanding Officer than by employing of Lawyers. I shall be glad to know by the return of the Post what effect my mediation has had. I am &^{c}

To His Excellency General Amherst.

New York Dec^{r} 31st 1760.

Sir

I have the honour of yours of yesterday & am much oblidged by the trouble taken in sending me the information which your Excllency has received from Albany. You will perceive by the inclos'd copy of

the Letter which I wrote by the last Post to the Sheriff of Albany, my desire to stop litigious suits & I hope it may have the designed effect.

On Monday last I received a petition signed by the Mayor Recorder & Aldermen & the Justices of the Peace in the City of Albany wherein they set forth that they had agreed with the Quarter Master as to the manner of quartering the officers & Soldiers now in that City, with which he seem'd well satisfy'd & to the content of all persons, & that the Barracks were capable of containing many more than are now in that city, notwithstanding of which people are since that time greatly distress'd by arbitrary quartering of soldiers on private houses & particularly the High Sheriff by haveing nine men besides women and children quartered upon him. This petition is adress'd to me in Council, but as I expect every thing will be settled to the ease of the Inhabitants in consequence of your Excellency's orders by last Post & my Letter to the Sheriff I did not allow that petition to be read this day in Council when the Councill mett, that I may prevent all publick remonstrances. You know Sir what sense the people of England have of arbitrary quartering of soldiers on private houses, & must beg of your Excellency to use your authority without delay to prevent any just complaint of this kind, otherwise it will be not in my power to put a stop to public clamor.

I beg your pardon for saying so much on a subject which the World knows is entirely opposite to your own temper and inclinations. Nothing can give me more pleasure than to have an end put to these unhappy complaints in a manner which may be agreeable to you for I am with the sincerest gratitude & highest respect, Sir &c

To General Amherst, &c

New York Jan^{y} 2nd 1760.

Sir

This Day afternoon I receiv'd the honour of yours of yesterday. I have order'd the Council to be summon'd to meet tomorrow at eleven before noon to advise on the subject of your Excellency's letter. I shall wait on you soon after I shall know their Sentiments. I am &c

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To John Pownall, Esq., Secretary to the Board of Trade.

New York Jan^{y} 5th 1761.

Sir

I have the honour of yours of the 18th of October, in which you signify my Lords Commissioners for Trade & Plantations pleasure that I transmitt to them three or four setts of the last printed Edition of the Laws pass'd in this Province, with the Seal affixed to them. They are now out of print, & the Assembly have order'd a new edition to the present time, but this Edition I apprehend will not be ready in less than twelve months. If possible I shall obey their Lordships Commands, but it must take some time to examine the printed with the original Acts, which by ordering the Seal to be affix'd to them, I suppose is intended should be done & certifyed.

At the same time I receiv'd your notification of the melancholy event of the King's death, & that I may soon expect the necessary forms for proclaiming his Present Majesty, together with Warrants for using the old Seals, Proclamation for continuing of officers & orders for the alteration of the Liturgy &c &c which I immediately communicated to the Council. It is their opinion that your Letter implies a prohibition of

proclaiming the King using the old Seals or altering the Liturgy, till such orders shall arrive. This may put the publick affairs under difficulties, as the present Assembly of this Province, dissolves by the Kings death & I cannot call a new Assembly without making use of the great Seal: and if I should use it without warrant for that purpose enterd on the Council Books: The legality of their meeting may be disputed. As this may be a great impediment to his Majesties necessary service I think it my duty to give you notice thereof as soon as possible.

To the Right Hon^{ble} William Pitt, Esq. his Majesties Principal Secretary of State.

New York Dec. 27, 1760.

Sir

On the 6th Instant I receivd a Letter from General Amherst, incloseing two Letters to him, one from George Spencer & the other from Augustus Bradley the first an insolvent debtor, the other committed for forgery, before he pretended to make any discovery. These Letters contain'd general informations of illicit trade carried on in this place. I laid them before the Council, who, after haveing spent a considerable time in examining of witnesses, came to the resolutions which I inclose, together with copies of the examinations taken before them.

On the whole the Council was of opinion, that there was not evidence before them sufficient to order any prosecution In the reasoning on the nature of the Evidence, I observed that the Gentlemen of the Council distinguished between trade with the Enemies Colonies & trade with Neutral ports. All trade with the Enemy was allow'd to be prohibited; but that the trade with the Neutral ports in the West Indies is only illegal under certain circumstances, & in certain commodities, & that this trade came not under the view of his Ma-

jesties orders of the 23rd of August last, signified by your letter of that date.

Tho' as to my own part I have nothing farther to say than, that I shall do my utmost to discourage all illegal trade of every kind wherever I can discover it, & to prosecute vigorously all those who shall be discover'd tradeing with the enemy: yet I think it may be of some use to inform you of some remarks made while these inquiries were before the Council.

1. The Prohibition of exporting Provisions from any of the Collonies extends in general to every place except his Majesties Dominions, yet as the plain view of the Act is only to prevent the Enemies being supplied with provisions, it cannot be intended to prevent sending of provisions to the Portiguies & Spanish Islands, from whence all the Wines consumed in America are imported; because all the provisions imported to these Islands are consumed in them, & never reexported; and if no provisions be allowed to be sent thither for the purchase of Wines, they must be paid in cash, or by Bills of Exchange with evident prejudice to the trade of Great Brittain. The officers of the Customs in this Port keeping strictly to the Letter of the Law, made it necessary for the Merchants to export provisions to the neighboring Colonies, from whence they can send them out for the Purchase of Wines.

2. It was affirm'd, that while the exportation of provisions to neutral ports from the Colonies is absolutely prohibited great quantities of provisions No 17. are openly & with proper clearances carried to 5 the neutral ports from Great Brittain & Ireland; from whence it was infer'd that the prohibition to the Colonies cannot serve the purposes of the Act, but is evidently of prejudice to the Trade of the Colonies, & in its consequence of prejudice to Great Brittain: for without freedom in Trade the Collonies are not able to pay for the Brittish manufactures consum'd in them.

3. As to foreign sugars it was observ'd, that the sugars are generally imported in small Vessels, which,

tho' most proper for that trade in the West Indies are not proper to carry them to Europe. That the Duty to be paid for these Sugars in the Colonies, is only for so much as shall be consum'd in them; because they are not subject to duty if they be reexported in the same Vessel, without being put on shore. That the officers of the Customs in this Port, adhering strictly to the letter of the Law, do not allow them to be put on shore for reexportation, or to be shifted from one vessel to another, & for that reason the Merchants are obliged to send them to the neighboring Colonies where they are somehow colour'd for reexportation. The Merchants alledge that in doing this they do not transgress the design of the Act, because the importation of foreign Sugars for reexportation is evidently for the benefit of Great Brittain, & the increase of the Brittish trade in foreign sugars cannot be too much incouraged where political reasons do not oppose it. It would certainly be of the highest advantage they assert, that all the Sugars of the foreign Colonies without distinction could thus, or otherwise be brought to Great Brittain or their produce in foreign markets: for by this means Great Brittain must reap the whole benefit of the foreign Colonies.

4. The Spanish Government has opened the Port of Monto Christi to the English, probably in order to strengthen that place as a barrier against the incroachments of the French. It is said the English are allowed to enter that Port freely, and that they on exportation receive the Governors clearances for their Cargo. At the same time it is said the French are debard from Trade in that Port, nevertheless it seems clear to me that the Spaniards are allowed to purchase Sugars in the neighbouring French ports & are allowed to sell them to the English at Monto Christi. The Principal Trade from these Colonies is to this Port and other Spanish ports on Hispaniola, from whence it is said the Spaniards on Cuba are likewise furnish'd. The vast increase lately of the exportation of Brittish No 14.

manufactures to the Northern Colonies, more than can be occasioned by the Brittish Troop here, it is aver'd, is occasioned by this trade & will appear by the Custom House books at London, Bristol and Liverpool. The demand for Brittish Manufactures, it is said, for exportation to the northern Colonies has sometimes been so great that the Market at those ports was not sufficient without six months previous notice. But of this you can Sir be better informd than I can, for I have no kind of mercantile intercourse.

It seems evident to me that could a mutual intercourse in Trade be obtain'd, between the Brittish & Spanish colonies it must be highly advantageous to Great Brittain. Or could a Treaty be made with the King of Spain by which the Inhabitants of the Spanish Colonies were permitted to purchase provisions in the northern Colonies, & the Inhabitants of the Brittish Colonies to sell Provisions in the Spanish Colonies, & tho' this mutual intercourse were strictly confined to Provisions only, it would greatly advance the trade & riches of Great Brittain & cannot in any case be detrimental to it. In truth it appears evident to me that tho' Spain should not allow any trade to their Colonies it must be of great advantage to Great Brittain to allow the Spaniards a trade with their Colonies, because they can import nothing prejudicial to the trade of Great Brittain.

The Northern Colonies cannot pay for their consumption of the British manufactures by their own produce exported only to the British colonies. The Brittish Sugar Islands cousume but a small part of the Provisions rais'd in North America. The result of the whole trade of North America, takeing it in every shape is barely sufficient to pay the ballance due to Great Brittain. The Consumption of British manufactures in the northern Colonies increases in proportion to their ability to purchase them, & nothing can make the northern Colonies interfere with the Brittish manufactures, but their poverty or inability to purchase.

As the far greatest number of Inhabitants in the Sugar Islands are Negroes & the Climate hot, the consumption of the Brittish manufactures in these Islands can bear no proportion to the consumption in North America, supposeing the number of inhabitants equall, which however is far otherwise. The Indians in North America consume a greater quantity of Brittish manufacture than the same number of persons in the Sugar Islands.

I have inform'd you Sir of these things in hopes that my doing of it may be of use, not as an excuse for any remissness on my part. However as to prosecutions on penal Laws, I must beg leave to observe, that it is difficult to prosecute with success against the bent of the people, while they are under the prejudice to think that the Sugar Islands have gain'd a preference inconsistent with the true interest of their Mother Country, & when a prosecution fails of success it is of prejudice to the service it was designed to promote. I endeavour to be a faithfull Servant, and if I appear such to you I hope to have the honour of being Sir &c

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To the Right Hon^{ble} the Lords Commissioners for Trade & Plantations.

New York Jan^{y} 8th 1761.

My Lords,

I transmit to your Lordships a printed copy of the acts to which I have given my assent. The Secretary tells me that it has not been possible for him to procure transcripts for the Seal, nor copies of the Minutes of Councill by reason of the daily business which occurs in his office. I make it a rule to leave nothing undon, which at any time ought to be done. As this has given more than usual trouble in the office it is made an excuse that somethings are not don which I expected to have been don in course.

Tho' the Acts to which I have given my assent be 19 in number, few of them are of any consequence, as your Lordship may perceive from inspection of their titles. Some are necessary for the support of Government, in the usual manner, others for the continuance of Acts which have been usually continued from time to time, & others on trifling subjects which do not deserve your Lordships attention, except two.

1. The Act, Chap VII. *For the better Government & regulation of Seamen, in the Merchants Service.* This I am assured is conformable to an Act of Parliament for the same purpose, & is only made from a doubt that the Act of Parliament does not extend to the Plantations.

2. The Act, Chap IX. *For makeing process in Courts of equity effectual against Mortgageors, who abscond and cannot be served therewith, or who refuse to appear.* The reason of this Act is that Lands in this Country, if not effectually improv'd yield no rent, & if improv'd, never a rent near the interest of the money for which they can be sold. The reason of this is, that great quantities in small parcels are continually ready to be sold, & the farmers chuse to bestow their labour where they think their posterity shall receive the benefit of it. I do not immagine that any objection will be made to this act, but if there should it may be repealed before it can take effect in any one case.

I have the honour to be with great submission Y^r^ Lordships &^c^

To The Right Hon^ble^ the Lords Commissioners for Trade & Plantations.

New York Jan^y^ 10 1761.

My Lords

Your Secretary has notifyed to me the melancholy event of the Kings death, & that the necessary orders in consequence thereof will be sent me. These orders

are not yet arriv'd, & as the Winter has sat violently in, I am affraid of my not receiving them in time to prevent all prejudice to his Majesties service; chiefly by the want of a warrant to make use of the old seals, which Mr Pownall informs me is preparing for me. The processes in the Courts of Justice are thereby in many cases at a stand, but what gives me most concern is that the General Assembly of this Province dissolves by the Kings death, as there is no provision made in this case either by act of parliament, or by act of this Province. The Council is of opinion that I cannot make use of the old seals without the Kings warrant for that purpose. If so I cannot call a new Assembly, & if I should take upon me to do it from the necessity of affairs, the legality of the writs may be called in question.

General Amherst informs me that the future Military operations may require that a number of troops be raised in the northern Collonies for the next Campaign; but this cannot be done in this Province without the concurrence of a new Assembly. It is therefore become my duty to inform your Lordships of this least by your want of timely information the publick service suffer.

After I had wrote so far, I was inform'd that the Governor of the Massachusetts Bay had proclaimed his present Majesty without waiting for particular orders. The people of this place & all the Churches are to be in mourning Sunday next. I have advised with the Council whether it be proper to proclaim his present Majesty without waiting for the orders mentioned in Mr Pownall's Letter, as, by the severity of the season, the Ship which carries the orders may not be able to get into port. Their advice is to wait sometime longer, as they apprehend no inconveniency by the delay. I have the honor to be with great submission My Lords Yr &c

To Mr Peter Collinson, Merchant in London.

New York Jany 10, 1761.

Dear Sir

I am much obliged by your communicating to me the reasons why my Lord Halifax did not at that time think it proper to comply with my request in appointing my son of the Council. He is very condescending in giving his reasons, which are clearly of great force, & I think myself extremely obliged to him for his favoring me so far. If you think proper you may inform his Lordship of one thing, of which perhaps he is not apprized viz: Mr Watts married the late Lieut Governors sister & Mr Oliver De Lancey is a brother, both of them of the Council, & if their nephew be likewise appointed, it may give such a weight in the Council to one family as may prove uneasy to any Govr & the more so when it is considered that very seldom more than five & six of the council at any time meet to do business as will appear by the Minutes of Council Transmitted to the Lords of Trade. The reason of this is that three of the Council live at a distance in the country, & one resides in England. However, I must at the same time tell you that I do not apprehend that the appointing of Mr De Lancey will be of any personal prejudice to me other than this, that one person in this place has been inform'd from the Board of Trade, that I had recommended my son, & by another being preferred people may conclude without knowing the reason that my recommendation is of little weight. However, if you imagine that any farther sollicitation on this head may be disagreeable to My Lord Hallifax pray cease to give trouble. I am very gratefully & affectionately Yours &c

To his Excellency Gov^r Bernard.

Fort George, N. York Jan^y 16^th 1761.

Sir

At the same time that I had the honour of your Excellency's of the 10^th Instant I received by his Majesties Ship Foy, the Originals of which I received from you the Duplicates together with Packets for all the other Governors on this Continent. I send by your Express all those to the northward of this place except to the Governors of Montreal & Quebeck which I have desired the General to forward by his Express. The Packets which I received from your Excellency, I forwarded this day by Express to Gov^r Boone and Gov^r Hamilton together with those I received by the Foy. I design to Proclaim his Present Majesty tomorrow, pursuant to the Form which I have receiv'd. I am with the greatest regard Sir &^c.

To Gov^r Bull of S^o Carolina.

New York Jan^y 16^th 1761.

Sir

I received the enclosed Packetts by Express from Gov^r Bernard last evening, and a Ship being to sail this morning for Carolina, I am obliged to be in great hurry. I congratulate you on the King of Prussia's glorious victory gained over M. Daun, the 3^d of November last, of which I enclose you an Account from the London Gazette. The Fowey Man of War, Capt^n Tonning, arived last Evening & brought me the original Packets of which I had just before received Duplicates by way of Boston: He has the like dispatches for you & the Southern Governments, but does not chuse to send them by this vessel. I am &^c.

To the Right Hon^ble the Lords Commissioners for Trade & Plantations.

New York Jan^y 17^th 1761.

My Lords

I had the honour of writeing to your Lordships the 10^th of this Month, at which time I expected the Packet would have sailed, but after the ship was under sail, she was catched in the Ice & with difficulty was again brought into the harbour. Since which time on the fifteenth I had the honour of your Lordship's commands of the 31^st of October last by his Majesties Ship Fowey, together with orders of his Majesties most honourable privy Council to Proclaim his Majesty. At the same time I received his Majesties Warrants to make use of the old Seal of the Province until a new one be prepared together with four printed Copys of his Majesties Proclamation continuing all officers in the Plantations till his Majesties pleasure shall be farther signified. Under the same cover I received his Majesties Instruction for alteration in the Prayers for the Royal Family, all which I have communicated to his Majesties Council for this Province. This Day his Majesty is to be proclaim'd according to the Form transmitted to me with all the solemnity than can be in this Province. And I shall publish his Majesties Proclamation for continuing all officers untill his Majesties pleasure shall be known. I have likewise made out orders for the alteration in the Prayers for the Royal Family conformable to his Majesties Instruction for that purpose.

I received duplicates of all these by Express from Gov^r Bernard nearly in the same hour on the 15^th in which I received the Originals. It shall be my continued endeavour to convince Y^r Lordships of my being with the greatest submission & regard to my Duty My Lords &^c

To His Excellency Gov^r Shirley.

New York Jan^y 20^th 1761.

Sir

I have now for a long time waited with impatience for a vessel bound directly from this to the Bahama Islands that I may have had the honour of paying my compliments to your Excellency, & of informing you that by the Death of L^t Gov^r De Lancey on the 30^th of July last, the administration of Government has been in my hands since that time; but either no vessel has gone since that time, or has gone without my being informed of it.

On Thursday last I receiv'd from the Board of Trade by his Majesties Ship Fowey Dispatches for all the Gov^rs on the Continent & for yourself & the same day duplicates by Express from Boston which I was directed to forward. One of these I forwarded for you under cover to Lieut. Gov^r Bull by a Ship which sailed the next day; but the multiplicity of business which fell at that time upon my hands prevented my writing to you. I now send likewise under Cover to Gov^r Bull, either the original or duplicate of the Dispatches for you, or I had put them together I cannot say which.

Now I can with pleasure inform you, that everything in this Government since I took the administration upon me, has passed as much to my satisfaction as I could wish. Every one endeavours to make it easy to me at this time, while in my old age a greater share of business falls to my lot than has been usual. I perswade myself from your friendship that you will receive some pleasure in knowing this. It will give me the greatest pleasure to be of any use to you in my present situation, & I beg of your Excellency freely to command me: for I am with the greatest respect Sir Y^r &^c.

To Peter Templeman, Esq^{r}, Secretary to the Society for Incouragement of Arts, Manufactures & Commerce, The Strand London.

New York Feb^{y} 6th 1761.

Sir

I have the honour of yours of the 16th of September which came to my hands the 15th of last month inclos'd from the Secretary of State's office. I am truly sorry that it is not in my power to answer the expectations you have entertain'd: for I should think it a great honour in any shape to assist in promoting the purposes of the Society for incouragement of Arts Manufactures & Commerce.

To your Query, "Do any Herbs or species of grass "grow in your Country during the most inclement part "of the year (the winter Months) so as to supply all "sorts of Cattle at that time with vegetating food."

I can only answer that I know of none. The Deer which are the only kind of Wild Cattle which we have & likewise our own cattle, while the ground is covered with snow to some Depth, live on Acorns, Chesnuts & Beech nuts; but when it is covered they eat the bark & tender tops & buds of Trees and Shrubs or the Moss which grows on the trees. The farmers who cultivate unimproved Lands, are under great difficulties in supporting their Cattle for some years in the Winter Season, & for that purpose cut down trees for the Cattle to broust or feed on the tender tops.

All the Grass kinds which we use in our cultivated Upland either for Pasturage or hay have been imported from Europe. I know of none of them natives of America. They are never found so far as I have learn'd where they may not reasonably be thought to have been produced from the Dung of Horses or Cattle, when their Seed was not sowed on purpose to produce them; we have several natural grasses in our wet meadows which answer well for feed or hay, but

in no shape so far as I know preferable to the grasses common in Europe.

There is one observation I have had frequent opportunities of makeing. It is common in parts of the country thinly settled to suffer their cattle to feed in the woods till the ground is covered with snow, where when there is plenty of acorns the cattle keep in good case; but it has a bad effect on Cows with Calf: for when they calve next spring they never clean, & become exceeding poor & weak & frequently dye. For this reason I carefully keep my cows from feeding in any place where they can find acorns. By this I have always avoided this dangerous disease, to which my neighbours Cows were yearly incident, when they did not take the same precaution.

The Parliament of Great Britain has appeared desirous to promote the makeing of Pottash in the Colonies & have given considerable incouragement for discoveries in the manner of produceing it, but it has hitherto proved unsuccessful, tho' several have attempted it. Wood for that purpose may be had without any expense where new settlements are making, for the Owners gladly give the wood to any who will burn it or clear the soil of it. In this City where there are 2000 Dwelling Houses above 20,000 Cords of Wood are yearly burnt the ashes of which may be had at a low price. I can attribute the want of success in the production of Pottash only to the Ignorance of the manner of produceing it with the least expence. May not a number of people well skill'd in the manufacture of Pottash be procured for America & sent over to America at a less expence than the prœmiums which have been given, or some few persons may be sent to Russia to inform themselves there of the best method of makeing Pottash at the least expence.

Tho' I have little ability to assist your honourable & truely worthy Society, I do not want the inclination in any shape within my power & therefore I shall esteem it a great honour to receive your Commands, &

I am likewise ambitious of meriting the honour of being Sir Y^{r} most obeydient humble Serv^{t}.

Sent by M^{r} Nicholson in the Ship Capt^{n} Davis.

To Gov^{R} Bull of S^{o} Carolina.

New York, Jan^{y} 20th 1761.

Sir

I had the honor to transmit to you on the 16th Instant by Capt^{n} Jacobson who sail'd that Day for Charles Town, several Packets from the Board of Trade which I received the Evening before by Express from Boston. Under my cover to you there was a Packet for yourself, one for the Gov^{r} of North Carolina, one for the Gov^{r} of Georgia & one for the Gov^{r} of the Bahama Islands. In the Inclos'd there is another Packet from the Board of Trade for G^{r} Shirley; You will be pleased Sir to transmit it to him by the first opportunity. I am &^{c}.

To the Right Hon^{BLE} the Lords Commissioners for Trade & Plantations.

New York Feb^{y} 18th 1761.

My Lords

By my Letter of the 30th of August last I informed your Lordships that four men belonging to his Majesties Ship Winchester Commanded by Capt^{n} Hale had been kill'd by the Crew of the Ship Sampson of Bristol of which Osborn Greatrakes was Commander. In that Letter I informed your Lordships what steps had been taken to bring the offenders to Justice.

Sometime afterwards four of the Sampson's Crew, beside the master and his Mate, were taken & committed to Jail. In Oct^{r} sessions of the Supreme Court

Indictments were prefered against the Master & Mate, but the Grand Jury found the fact to be committed without the body of the County.

Greatrakes & his Mate continuing in Jail by a new mittimus a Petition was presented to me for their discharge or to be brought to tryal by a special Commission as the Ship was detained thereby to the great loss and damage of the Owners. Which petition being laid before the Council for their advice & the Attorney General being of opinion that a Commission might issue for trying the Offenders on an Act passed in this Province the 19th of April 1699 Instituted An Act for restraining & punishing Privateers & Pirates.

A Commission was issued accordingly by the advice of his Majesties Council. What has been done in pursuance of this Commission will appear by the Report of the Commissioners a Copy of which I enclose. Greatrakes and his mate sailed away in the Ship in a few hours after their discharge.

I should have informed your Lordships of this by the preceding Packet, had I not daily expected this report to be made to me which was delayed by the sickness of Mr Morris Judge of the Admiralty and first in the Commission. I received it this Day.

I am told that several Acts in Baskett's Edition of the Acts of New York in 1718 are noted to be repealed, of which repeal not the least Evidence appears any where in this Province. This may deserve your Lordships attention, as I make no doubt the Judges continue to proceed upon them as of force. I am with great submission &c.

By the General Wall, Captn Leutwidge. Sail'd March 3rd.

To the Right Hon^ble The Lords Commissioners for Trade & Plantations.

By the Gen^l Wall, Capt. Leutwidge. Sail'd March 3^rd. Duplicate by the Harriott Packet Boat, Capt^n Boraly. Sail'd May 16^th.

New York Feb^y 28^th 1761.

My Lords

General Amherst by his Letter to me of the 26^th of August last, informing me that his Majesties Troops were in possession of Fort Lewis, that thereby the settlements on the Mohawk River were effectually secured, & as the improvement of the settlements already along that River, & the cultivation of the unclear'd Country cannot but prove of the greatest advantage to the Province, he recommended to me the issuing a Proclamation inviting the People thereto, & assureing them of peaceable & quiet abode in their habitations. By the advice of his Majesties Council I issued a Proclamation accordingly, in consequence of which several persons have applied to me for Licences to purchase Lands in that part of the Country & for Grants of Lands.

That the Attorney General might be informed of the restrictions & Reservations directed by his Majesties Instructions for Granting of Lands & to be inserted in the Letters Patent of which he makes the Draft, I gave him copies of the Instructions on that head. In consequence thereof he sent me a memorial, in which he represented the difficulties he was under by a seeming contradiction in the Instructions.

By the 51^st Instruction the Pattentees are to cultivate & effectually improve a certain quantity of Land in a reasonable time which by advice of Council is now limited to three years after the end of the present war, under the penalty of the forfeiture of the Grant: & by the 57^th Instruction they are not to cut down any pine

Trees fit for Masts under the same penalty. In some Cases it is impossible to cultivate effectually without cutting down such Pine trees, so that whether the Grantee do cultivate or do not he is subject to a forfeiture of his Grant.

I communicated this Memorial to the Council who have it now under consideration. In the debates in Council it was remarked that this is laying the inhabitants of this Province under greater difficulties & hardships than any Inhabitants to the Eastward are under in the Charter Governments, or to the Westward in the Proprietory Colonies of New Jersey and Pensilvania & may discourage the settling of lands in this Province. That without cutting down Pine Trees which may be fit for masts, the Inhabitants of the Province in general cannot have boards & Planks every where necessary for their buildings, all ship building must cease & the navigation be greatly distressed. That the Lands now petitioned for are at such a distance from New York and Albany, that it is improbable any Masts can be transported from thence, that in most parts of the country where the timber consists of Oaks and Walnuts, a few straggling pine trees may be found which may be of great use & necessary for the Grantee, & yet by cutting them down he subjects his Lands to forfeiture, tho' otherwise they remain useless & an incumbrance till they rot. It was supposed that the King would not take advantage of this clause, where it was so prejudicial to the Grantee, & of no use to his service, but it was answer'd that it was not proper to leave people to the discretion of an Attorney General or other officer. It seems inconsistent with the English Constitution & all good government to make the property of the subject precarious & may be productive of great mischief. I humbly presume it is my Duty to mention these things, as deserving your Lordships consideration & I mention them with less reserve, that I expect few, if any, of the Grants in which these difficulties have arisen can pass while the Administra-

tion remains in my hands, considering the time that must necessarily pass in making the purchases & other previous steps.

I have been lately inform'd that one John Lydius of Albany has combined with members of the Inhabitants of the several New England Governments to settle the greatest parts of the Lands lying to the Eastward of Hudson's River & Southward of Crown Point, so as to take in all that Tract mention'd in your Lordship's Letter of the 13th of June last & included within the bounds mentioned in the Petitions recommended by General Amherst to Mr Secretary Pitt & likewise includes the very spot on which Fort Edward is built, & takes in several tracts of Land heretofore granted by the Governors of this Province, yielding Rents to his Majesty at the rate of 2/6 for every hundred Acres. The whole of what this Man claims contains more than a million of Acres, but not one settlement at present made.

This Man, I am inform'd, was several years supported by the Government of Massachusetts Bay, in opposition to the Jurisdiction of New York, before the time that the boundaries between Massachusetts Bay & New Hampshire were determin'd since which time Massachusetts Bay makes no claim to these Lands; but New Hampshire pretends to the same claim which the Massachusetts had. While the Jurisdiction of his Majesties Governments remains thus contested, & lawless people may take advantage of it, & settle in those parts of the Country without any regard to the Authority of any Government, under the pretence of Indian Purchases, which, I believe, is the present case. While these disputes as to Jurisdiction remain, these Lawless people are often defended, or may be, in their illegal proceedings by one Government in opposition to the Jurisdiction of the other: & a regular settlement & improvement of the Country under a due course of law is prevented, & the king is deprived of his Quit rents. For these reasons, I have, by the advice of

Council, issued a Proclamation, of which a copy is inclosed.

I am clearly convinced that the Province of New York extends Eastwards as far as Connecticut River, that New Hampshire can have no pretence to the westward of that River, being bounded westward by the neighbouring Governments, & by no other boundary. The truth of what I now assert I am confident will be evident to your Lordships after perusing what you will find enter'd on the Minutes of Council of this Province, the 18th of October 1751, & more fully & clearly in the Minutes of the 2nd of March 1753, which I make no doubt have been transmitted to your Lordships.

As many mischiefs & great inconveniencies daily arise, from these contentions, as to Jurisdiction, it seems evidently necessary that an end be put to them as soon as possible: which may be soon done as to the disputes between New York & New Hampshire, by his Majesties declareing his pleasure therein: for both the right of soil & the Jurisdiction in both Governments are immediately in the Crown.

With respect to the dispute between New Hampshire & New York, I shall beg leave to observe that by the boundaries of the Province of New York, the right of Jurisdiction is evidently in New York, as far east as Connecticut River, I can conceive no reason for abridgeing that Jurisdiction, but on the contrary every reason from Policy & Conveniency seem to favour it. New York is now become the most considerable of any of the Northern Colonies, as to commerce both by sea & Land. Its situation gives it a superior advantage both by Sea & Land, beyond any of the others, especially as to the Inland Trade thro' the Great Lakes. The abridgeing the Jurisdiction of New York anywhere to the Westward of Connecticut River must be attended with a General inconvenience to the Inhabitants to the westward of that River, as the Trade & Commerce to the westward is, & can only be carried on from the city's of New York & Albany by Hudson's

River. It must lay all contending parties in that part of the country, but more especially the merchants of New York under great inconveniencies to be under the necessity to go to Portsmouth in New Hampshire for redress.

While the People of New York are indolent, as to the Kings Rights, every private man in the Charter Governments thinks he has a share in the general property, & the people in general are fond of extending their claims, & are pleas'd with every artifice for delay, in bringing them to a determination, in hopes after the example of Connecticut that the King for the quieting the Minds of his People, will give up his Right. If this be a reason why the Massachusetts indeavour to delay a determination, it is requisite, in my humble opinion, on the part of the King, that an end be put to it as soon as possible. This, it seems to me, can only be done in two different methods, viz: Either by Writs of Intrusion issued from the Courts of New York by the Kings order to his Governor with directions at the same time to the Massachusetts Government to plead to the Jurisdiction of New York, if they resolve to defend their claim, in order to bring the affair to a final determination by appeal which may be better done in England than any where else, as the whole dispute depends on the construction of Words in the Massachusetts Charter. Or by Special Commission to determine the Dispute. In the last method commonly twelve are appointed. The expence arising on the execution of such commission, by delatory pleas & proceedings, is unavoidably so great, that the Assembly of this Province, as I am inform'd, are unwilling to give an unlimited credit for that purpose; but if the other method be thought proper & legal of which I am no judge, they will, I believe, freely contribute to the Expence in America.

My Lords

In pursuance of the orders which I received from his Majesties privy Council, I proclaim'd his Present Majesty in the form transmitted to me, as by a printed Copy of that Proclamation inclos'd. It was done with all the solemnity that could be in this place.

It was the unanimous opinion of his Majesties Council for this Province, that the Assembly dissolved on the notification of the late King's death: & I haveing received a Letter from General Amherst dated the 1st of January, in which he acquaints me, that the services which still remain to be put in execution for compleating the great object of the war in America, will require the farther aid and assistance of his Majesties good & faithful American Subjects, wherefore he desired me to be ready for the immediate compliance with the King's Requisition for such a number of Men from this Province, as shall be thought requisite by his Majesty to answer the proposed end of procureing a good & lasting peace, which requisition he doubts not I will receive soon.

In compliance with this desire, I issued Writs, by the advice of Council, for the Election of Representatives in Assembly, who by the Writs are to meet on Tuesday next, the soonest that could be done after the Proclamation of the King; but as yet I have received no Requisition or other signification of his Majesties pleasure. The Packet, which I am informed, sail'd in December last, is not arived, & the General haveing ordered the Packet now in this place, to sail unexpectedly, I am more hurried in my writeing than I expected to have been for which reason I beg your Lordships to excuse any inaccuracies or indistinctness that may have happened. I am with the most intire submission My Lords Yr most obeydient & most Humble Servant

To Sir W^m Johnson B^t.

Fort George March 7^th 1761.

Dear Sir

I have the favour of yours of the 20^th of last Month, which I delayed Answering by the return of the Post that I might be better inform'd of something in it. It shall be my particular care that the Indians shall not be deceived in any purchases of Lands made while I have the administration that they be made openly & fairly.

If they have, or shall hereafter receive any injuries, represented to me in such manner that I can redress them, it will give me pleasure to do it, & I will do it with the greater pleasure that I know it will be agreeable to you. Please therefore to assure the Indians of my firm resolution to that purpose. That they may be the more convinc'd of this, you may put them in mind of what I did in the year 1736, after they had complained to me of the Injuries done them with respect to the Land in which Livingston was concern'd, & that to prevent the like for the future the regulations as to the purchase of Lands from the Indians were made at my instance.

I am told that Clock has only purchas'd a Quit Claim for that Land without any Warrantee, & therefore the Indians are in no worse state in that respect than before, but perhaps better, as the Livingstons &^c are under no obligations to defend that title. You know that redress in such like cases can only be obtain'd by process in Common Law or Equity, & how the charges of such a prosecution can be defray'd, I know not.

I know nothing more of Ury Clock & Eve Pickard more than what you write. No application has been made to me on their behalf.

I have at present no thought of issuing new Commissions of the Peace. Whenever I do I shall have

perticular regard to your recommendation. In case any application be made I shall be glad to have the names of the Persons you recommend & your reasons for prefering them to others in such manner that your reasons may be communicated to the Council whenever any nomination shall be made.

Since I had wrote so far Mr Hartwick has applied to me for Letters patent for two Tracts of Land on the south side of the Mohawk River. One of which is a Tract of Six Miles square on Susquehanna River. The Deed of purchase of this is in proper form & the satisfaction of the Indians certifyed under your hand, so that I think there can be no dispute with them as to this tract. The other is in the name of Godfred Miller, Adam Sheffer and others, bounded northerly by the Lands granted to Peter Wagener & others, westerly by John Lindsay & others, southerly by Volkert Outhout & others, & westerly by Otsega Lake & by the first Tract. The purchase of this last is not certifyed in due form. The Council advis'd the late Lt. Govr to grant this on your affidavit that the purchase was made in your presence & a note given by Hartwick for the payment of 350 Dollars the 1st of May following or at the time of surveying the Land. Please to inform me whether the Indians will be satisfyed on the payment of the 350 Dollars as indeed they ought to be. I suppose one will be deputed to survey it as soon as the season will permit.

Be assured that I shall be fond of every opportunity to serve you & that I am with great regard, Sir &c

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To Govr Bull of So Carolina

Fort George New York March 16th 1761

Sir

I send by Captain Francis Commander of his Majesties Ship Greyhound two Packets from the Secretary

of State, one for yourself & the other for the Gov^{r} of No. Carolina which I received from Capt^{n} Lee of his Majesties Ship Tamer who tells me that he has orders not to stay longer than 3 weeks & to sail within that time as soon as I shall dispatch him. I inform you of this that you make use of this opportunity in case you think your Letters can reach this place in time. The Earl of Leicester Packet sail'd the 29th of December was taken & carried into Brest. The Hariot Packet sail'd the 17th of Jan^{y}. not arived. The Tamer sail'd from Plymouth the 29th of Jan^{y}.

My family are in their usual health & publick affairs easy. It will give me pleasure to have the like accounts from you. I am with great regard Sir, &^{c}.

To Capt^{N} Francis of the Greyhound Man of War.

Fort George New York March 16th 1761.

Sir

Yesterday I received by Capt^{n} Lee two Packets, one for the Gov^{r} of S^{o} Carolina & the other for the Gov^{r} of N^{o} Carolina. From the Contents of my own Letters, which I received at the same time, I judge that it is much for his Majesties Service that the letters be deliver'd as soon as possible, & being inform'd that his Majesties Ship Greyhound under your Command is bound to S^{o} Carolina I commit them to your care. I am Sir, Y^{rs} &^{c}.

To Gen^{L} Amherst.

N. Y. March 25th 1761.

Sir

Coll. Cursa of the New York Provincials shew'd me a Petition, which he proposes to give into the Assem-

bly, for the money due on account of billeting the Provincials which the Q^r^ Master Gen^l^ had stop'd for the arms which have been lost. As the Inhabitants on whom the Men were billeted & who are certainly innocent must suffer thereby, I am unwilling to have such a Petition presented least it should give discontent, & be prejudicial to his Majesties Service at this time.

He tells me that he thinks a considerable number of the Kings arms may be discovered in the Country, for which purpose that some ocasion be taken to call the several Regiments together & that some persons be appointed to inspect their arms & to seize all those which were furnish'd by the King.

If your Excellency approve of this method I hope you will think it proper to order the money due for billeting to be paid. I have directed Coll. Cursa to wait on your Excellency for your farther information. I have nothing so much at heart as to do my duty in what is expected from me at this time & at all times to convince your Excellency that I am with much zeal Sir Y^r^ most Obeydient & faithfull Serv^t^

To General Amherst.

N. Y. March 29^th^ 1761.

Sir

Inclos'd are the Resolves of the Assembly which I received yesterday afternoon. I delay'd communicating them to your Excellency till I should discourse with some of the Members who told me that a smaller number viz: 1000 had been proposed to be levied, & that rather than risque a division they thought it best to agree to a Compromise of 1400. I am likewise told that they will not agree to impress in case a sufficient number of volunteers cannot be obtain'd, by the gratuity allowed, otherwise than by first passing the

Act for Levying the Men without any clause for impressing; but in case it proved ineffectual then to impower me to impress for the numbers deficient, & that they will meet again at a certain day for that purpose. I formerly told your Excellency that I apprehended a difficulty in obtaining a power to impress after the people think the Country safe from the Enemy. I am sorry to find my opinion confirm'd. The example of New Jersey & Pensilvania is strongly urged, who have hitherto raised Men without any power to impress: & the majority of the members are perswaded that the numbers propos'd to be levied by the gratuity may be obtain'd. I intend to call the Council tomorrow for their advice whether it be prudent to press the Assembly farther to raise the whole number required by the King, & to add the impressing clause. If the Council be of opinion that nothing more can be obtain'd, it may be impolitic to urge the matter farther.

As I have nothing so much at heart as the promoteing his Majesties Service at this critical conjuncture of affairs, Y^r^ advice will lay the highest obligation on S^r^ Y^r^ &^c^

To William Nicholls, Esq., Speaker of the General Assembly.

Fort George March 30, 1761
at night.

Sir

I am exceedingly disappointed after the expectations I had given me by yourself & several other Members of your house, that the House would amend their former resolves in respect to the number of Men to be raised and for that reason I delay'd sending a publick message to the house which otherwise I must be under a necessity of doing in terms which will free me from any neglect of duty. I am this night very credibly

informed by one directly from New Haven that the Assembly in Connecticut had agreed among themselves to raise the full number required by the King, tho' the resolution had not then passed in form, and I believe every other government will do the same. You must judge then what must be the consequence with the King and his Ministers if the Assembly of this Province choose to distinguish themselves from all others by a publick disregard of the King & by an endeavour to defeat as much as they can the measures which his Majesty has taken for procureing a peace with glory to his crown & especial advantage to the Colonies in No. America. It is with great uneasiness that I am under a necessity to write this letter to you & will be under much greater if I shall be forced to send a publick message. I am with great regard, Sir.

I am desirous that the Representatives save their reputation in publick appearance as I am perswaded they are truely Loyal.

To the Right Hon^{ble} M^{r} Secretary Pitt. P^{r} the Tamer Man of War Capt^{n} Lee.

New York, April 5th 1761.

Sir

I have the honour of his Majesties Commands by the triplicate of your letter of the 17th of December last. I called the Assembly as soon after the receipt of it as could be done, & pressed the compliance with his Majesties pleasure without delay, by all the arguments & other means, which I thought conducive to that purpose. It was with some difficulty they were perswaded to levy the full two thirds of the Men they raised last year. They give the same rewards for voluntary inlistment, the same pay & cloathing they did last year, but I could not prevail on them to insert a clause for impressing in case the number proposed could not be

obtained by a voluntary inlistment. All I could obtain is that in case a thousand Men be not enlisted in four weeks from the time I pass the Bill that they will then meet by my adjournment and compleat the number to a thousand Men by an Act for impressing. Neither could I obtain that the Men should be continued longer than the first of November, tho' I represented strongly the great inconveniencies that might be occasioned thereby in case the Regulars could not return before that time, or that there is no probability of their returning so soon.

That you may the better understand the reason why the Assembly refused to insert the clause for impress, I must beg leave to inform you of the method of impressing which during the present war has been used. Every man in the Province not privileged is obliged to enlist in the Militia. The number of Men raised by the Province amounted to nearly one fifth part of the whole Militia. By the clause in the former Acts the several Captains of the Militia were required & empowered to detach a certain number of Men out of each company, which as I observed amounted to one fifth of the whole, & if the persons so detach'd refus'd to go they were subjected to the Articles of War to be punished as Mutineers or Deserters. This was looked on as a Severity which could only be justified by the necessity of the service, pro Aris et focis. They think there is no such necessity now. They are of opinion that as the service on which they are now to be employed is only a service of fatigue, & the rewards pay & cloathing higher than can be obtained by common wages, the number requir'd may be rais'd without impressing, & in confirmation of this it is said that the Levys in New Jersey & Pensilvania had been made without impress, but by the gratuity given for voluntary inlistment which was not greater than is now given by this Province. The reason assign'd for not extending the time for which they are to inlist beyond the first of November is that the Men will not enlist

for a longer time. On this point the Assembly was inflexible, notwithstanding that the great inconveniencies which may happen by the Provincial Forces deserting their posts in the absence of the Regular Troops, have been strongly represented to them, & they believe as well as I do that they will all of them think themselves discharged at that time & will immediately disband.

The Assembly is to meet again in four weeks to enforce the Levying of a thousand Men in case that number be not enlisted by that time, & I shall then again try what can be done to remove this great inconveniency of the Mens disbanding on the 1st of November whatever may happen, but I believe nothing can be done until his Majesties pleasure on that head be strongly enforced by you, & which you may do some sufficient time before the 1st of November.

As the transactions between me & the Assembly are immediately under the observation of Genl Amherst, I have the comfort under my disappointments that he has by Letter to me of yesterdays date "I am perswaded that nothing has been omitted to remove the difficulties which I have mention'd above. This zeal makes me flatter myself that when you meet them again at the time appointed you will be more successfull & be able to prevail on them to agree to the clause of impress & to lengthen the time of service."

I have with the greatest chearfullness used my utmost endeavours to promote his Majesties Service, & tho' I have not succeeded according to my wish, I hope it will appear that I have done my duty faithfully & that I am with entire submission Sir

To the Right Hon^ble the Lords Commissioners for Trade & Plantations.

New York, Ap. 5th 1761.

Per the Tamer

My Lords

The last Letter I had the honour to write your Lordships was of the 28th of February by the General Wall Packet Boat.

His Majesties Council for this Province were unanimously of opinion that the general Assembly of this Province dissolved on the late King's demise; & General Amherst having by letter of the 1st of January acquainted me that his Majesty might require the farther assistance of his faithful American subjects for the prosecution of the war; in order that I might be in readiness to comply with the Kings requisition, I immediately on receiving the notification of the late Kings demise issued Writs for the election of Representatives to serve in General Assembly who accordingly met on the 10th of March last & after setting a week were adjourn'd to the 24th as I had not then received his Majesties Commands.

Some of the Gentlemen who had had the most influence, & had cheifly taken the lead in the former Assembly were not elected for the present Assembly, and tho' some other Gentlemen attempted to take lead at this time they were not able to establish themselves so well as is necessary for carrying on of business. This has laid me under some difficulties in promoting his Majesties Service.

On my message to them of the 24th of March, in which I informed them that his Majesty required that they should make provision for raising two thirds of the Men which they had done the former years, they passed a vote for raising only 1400 men. I applied myself earnestly to get the Assembly to make provi-

sion for the whole number required: at first I only succeeded so far as to obtain a vote for an addition of the deficient number but not to be made a part of the bill; however, at last I perswaded them to form the Bill for makeing provision for the full number requir'd viz 1787 Men officers included, & they altered all their former Votes makeing them agreeable to this last resolution. I mention these particulars that your Lordships may be apprised of the difficulties I have been under from the new Assembly not haveing yet establish'd a proper confidence & unanimity among themselves.

In this Sessions a Bill was brought into the house Intituled A Bill to remove doubts & scruples occasion'd by the King's death & for other purposes therein mentioned. This odd Title alarm'd me somewhat, as it might appear that they intended to keep the purport of it from me & from their Constituents. I thought it adviseable to get them to stop the Bill at this time, while his Majesties necessary service required all our attention, & it has not pass'd the House. The intention of the Bill was to establish the Courts of Judicature of the Province by Act of Assembly, & to oblidge me to grant the Judges commissions during good behaviour, with a clause that they might be remov'd by the Gov^{r} or Commander in cheif on an address from the Assembly, or by advice of at least seven of the Councill signifyed under their hands. I thought it necessary that they might likewise be remov'd on the King's pleasure signifyed under his signet & sign Manual; but in what manner they may form the Bill, should they hereafter proceed in it, I cannot tell; this much I thought it proper to inform your Lordship of.

By the method which I propose the prerogative of the Crown will be preserv'd & the arbitrary proceedings of a Gov^{r} will be guarded against. The Lawyers are endeavoring to raise a distinction between the authority of Commissions when they are continued by

Act of Parliament, & where it is done by the King's Proclamation. Every thing of this kind I shall endeavour to discourage as much as possible, as I think they may be productive of bad consequences.

Since I began to write my Letters I have been disabled by accident from writeing in my own hand and I trust your Lordships will excuse it, &c.

To John Pownall, Esq^{r} Secretary to the Board of Trade.

New York April 5th 1761
P^{r} the Tamer Capt^{n} Lee.

Sir

I have the favour of your most oblidging & kind Letter of the 10th of Jan^{y}, the expectation which you are pleas'd to have of my Services will excite me to the strongest efforts not to disappoint you; at the same time the knowledge I have of my own inability gives me uneasiness, least I shall not be able to perform what you expect of me. The greatest application to my Duty shall not be wanting, and especially to shew my gratitude for your unmerited friendship.

In the first place I return you my most sincere thanks for the hope you have given me of the Lieut^{t} Gover^{s} Commission, & that you will take the trouble of sending it to me. I had formerly, & shall now again direct M^{r} Peter Collinson to defray the expence of that or any other service you do me. May I never appear undeserving of the honor thereby bestowed on me.

I am fully convinc'd that I cannot do the Province a greater service than by induceing them to appoint a gentleman of M^{r} Burke's great merit to be their Agent. Some others to whom I have communicated the matter think as I do, but the present circumstances of our

publick affairs have render'd it impossible to proceed in it at this time.

The Assembly dissolved on the notification of the Kings death. By the time the New Assembly could meet, I received his Majesties Commands by M^r^ Secretary Pitt's Letter of the 17^th^ of Dec^r^ to use my outmost endeavours with them to levy two thirds of the Men which they had raised the last year. By the Packet Boats being taken which carried the original & the Second Packet which carried the Duplicate, being disabled at Sea, I received the triplicate first by the Tamer Sloop of War. The season of the year was so far advanced that I was under a necessity of applying my whole attention to the promoting the Kings Service in this one point. The leading Men while M^r^ De Lancey had the administration are left out in the new Assembly. A new set of Men want to take the Lead but the members as yet are so much unform'd among themselves that it is extreamly difficult to manage them. However I have in some instances been able to perswade them to change their resolutions in favour of the Service, tho' I have not obtain'd all that may be requisite in case the Provincial Troops are to be continued in the Winter, as it seems to me it will be requisite, if we have not peace before that time. When the necessity of retaining them appears more evident I hope to be enabled to retain a considerable part of them.

You see Sir the reason why I am not able to give you that satisfaction in respect to the Agency which I earnestly wish to do, not only as it may give pleasure to you, but what in my opinion & in the opinion of some others may be of the greatest use to the Province.

The difficulty is that he is not so much as known by name to any person in this place, or in what situation he stands, but I hope the character you have given of him & his being your friend will be sufficient to remove this difficulty. At the same time I must tell you some others have different views. Nothing on my part

shall be wanting to accomplish what I have much at heart, & to convince you that I am with the greatest earnestness, Sir &c

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To the Right Hon^ble The Lords Commissioners for Trade & Plantations.

By the Harriot Packett Capt^n Braily. Sail'd from the Hook the 20^th.

New York, May 15^th 1761.

My Lords

I now transmit to your Lordships Transcripts of 19 Acts to which I gave my assent last fall & of two Acts to which I gave my assent in April, with the great Seal of the Province affix'd to them. In the same Box are the Minutes of Council from the 2^nd of August 1760 to the 2^nd of March 1761 and Journal of the Proceedings of the Council from the 21^st of October to the 8^th of November 1760. And the Journal of the Votes & Proceedings of the Assembly from Sept^r 1760 to April 1761.

Tho' the Acts to which I gave my assent last fall are 19 in number, few of them are of any consequence, as your Lordships may perceive from inspection of their Titles in the enclos'd list of the Acts. Some are necessary for the support of Government, others for the continuance of Acts, which have been usually continued from time to time, and others on trifling subjects which do not deserve your Lordships attention. The only Two new acts pass'd at this Time, which appear of any consequence are *The Act for the Better Government and Regulation of Seamen in the Merchants Service.* This I am assur'd is conformable to an act of Parliament for the same purposes, and is made from a doubt that the Act of Parliament does extend to the Plantations. And the *Act for makeing process in Courts of Equity effectual against Mortgagers &c.* The reason for this Act is that Lands in this Country if not effectually im-

proved yield no rent, and if improved, never a rent near the Interest of the money for which they can be sold. For as great quantities of Land are continually ready to be sold in small parcels the farmers chuse to bestow their labor, where they think their posterity shall receive the benefit of it, rather than on lands the property of others, however low the rent may be in proportion to the value of the lands. I do not imagine that any objection will be made to this act, but if there should it may be repealed before it can take effect in any one case.

The *Act for raising paying & cloathing* 1787 *Men to be employed for Securing his Majesties conquests in America* to which I gave my assent in April last, is in pursuance of his Majesties Commands signifyed to me by M^{r} Secretary Pitts Letter of the 17th of December last. And is similar to the Acts passed in former years for the like purposes, except that in this there is not a clause for impressing Men in case the number required could not be compleated by voluntary inlistment. I could not prevail with the Assembly to insert such a clause in the present Act & was therefore oblidged to pass it as it is, especially as I am informed that none the other Governments have used any compulsive of methods for enlisting men.

The other Act is to revive an Act for regulating the Pilots &c which has been found necessary & usefull, & this Act is only a revival of it.

With this I have likewise the honour to transmit to your Lordships a Report of the Council on the Quit Rents and Grants of Lands in this Province, the Reasonings in which are so clear & full that I think it needless to trouble your Lordships with any observations on it.

My Lords,

I met the Assembly of this Province again the beginning of this Month, in hopes of perswading them to enable me to compleat the quota of Men to be levyed

in this Province by passing an Act for impressing the deficient number, but tho' I press'd this strongly they would not yield to it: alledging that as 1000 men were already inlisted, there was a good prospect of the whole being compleated by voluntary inlistment which would save much uneasiness and expence to the people of the Province. I must defer giving a particular account of this Sessions till after they are ended, which I expect will be soon.

To John Pownall, Esq., Secret^{y} to the Board of Trade.

May 16th 1761.

Sir

In yours of the 18th of October last you signifyed my Lords Commissioners for Trade & Plantations pleased that I should transmit 3 or 4 Sets of the last printed Edition of the Laws pass'd in this Province, with the Seal affixed to them. Tho' I am extreamly desirous of complying with their Lordships Commands in every respect, I am not able to do it in this, first because I cannot obtain more than one set of them the whole Edition being sold off. And next after the most serious consideration & advice upon the matter, I do not apprehend that I can with propriety affix the seal to a Book which contains the Editors Preface, & other things which are not part of the Laws, and it would have given great trouble to examine every law with the original, as must be done before I can affix the seal to them.

This Edition of which I send one copy, was made by two Gentlemen of Character in the Law, who were authorised by an Act of Assembly to overlook Records &c necessary for this purpose, & had a Sum of money allowed them for their trouble. A new edition is proposed to be made of the Acts to this time which when publish'd I shall send.

By the last Packet I had the honour to receive his

Majesties approbation of an Act pass'd in this Province in Dec^{r} 1759 to impower Justices of the Peace, Mayors Recorders & Aldermen to try causes to the value of £5, & under & for repealing an Act therein mentioned. And the Report of the Lords of Trade & Plantations to his Majesty on the said Act. I am &^{c}

To John Pownall, Esq, Secretary to the Board of Trade.

May 16th 1761

Sir

I have had my hopes greatly disappointed by not having a line from you by the last Packet. The great changes in the Board of Trade leave me no room to doubt of the reasons of it. You will do me the greatest act of kindness by informing me as soon as possible what I may expect or hope for. It is generally believ'd that General Monkton is already nominated for this Government & that his Commission will soon be transmitted over. This has produc'd all the effects usual upon such occasions, & has I am affraid lessen'd my influence so much that I doubt of succeeding in what you did me the honor to mention to me in favour of M^{r} Bourk, & which I had much at heart, however I shall not entirely give over hopes nor lessen my endeavours for that purpose. I am but just beginning to recover strength after a severe illness which was beginning when I last wrote to you & I have not had it in my power to do what otherwise I might have done. Pray make my most respectfull compliments to your Brother. It will give me great pleasure to hear of his success. I am with the greatest gratitude & affection Sir Y^{rs} &^{c}

N. B. The 3 foregoing Letters, & a Duplicate of the Letter to the Board of Trade of Feb^{y} 28th went by the

Harriott Packet, Capt^{n} Braily, who sail'd the 20th May from the Hook.

To Gen^{l} Amherst.

N. Y. June 1st 1761

Sir

This morning G^{l} Monckton did me the honour to inform me that the Sheriff of Albany is dead & that your Excellency desired to have Hermanus Schuyler appointed Sheriff of Albany. It gives me the greatest uneasiness to make the least hesitation in obeying your commands. The members of Assembly for the City & County of Albany the day they left this place told me that it was not expected that the Sheriff of Albany could live long, & that as it had been usual to have the Sheriffs appointed on recommendation of the members they hoped that on the death of the Sheriff I would appoint on their recommendation which I promised I would. I have received their recommendation of Guisbert Merselius by their letter of the 28th of last month & the same person is likewise recommended by the Mayor of the City & Judges of the Court. M^{r} Schuyler's character may be as little known to your Excellency as it is to me, but I suspect if he should be generally disagreeable to the officers of the Court & the inhabitants, many inconveniencies may follow. However, if you continue of opinion that it will be more for his Majesties Service to have M^{r} Schuyler appointed rather than Merselius (they are both equally unknown to me) Y^{r} Excellencys Commands will absolve me from my promise. I shall make no appointment till I know your pleasure in answer to what I now write.

It is my Duty & I have it greatly at heart to please you in everything I do as I hope thereby to preserve the undeserved friendship with which you have honour'd Sir Y^{r} &^{c}

To Sir William Johnson Bt.

N. Y. June 2nd 1761.

Dear Sir

I have the honor of your congratulation of the 12th of last month on my recovery, & your kind declarations of Friendship.

The Day that the Members of Albany left this place they told me that it was thought the Sheriff of Albany could not live many days & hoped that I would take their recommendation in case of his death for another to succeed him, which I promised I would & they have recommended Guisbert Merselius. Yesterday morning at the same time I received their recommendation Gl Moncton came to me & in Gl Amhersts name & his own recommended Hermanus Schuyler. This is so powerful a recommendation that I cannot withstand Only I have taken the liberty of informing Gl Amherst of my previous promise, but in case he continues to think that the appointment of Schuyler is more for his Majesties Service I shall think myself absolved from my promise to the Albany members. You may see the difficulties I am under & that I often cannot serve those I am most desirous of serving.

It is really true that by my indisposition the affair of the Land you mention had entirely escaped my memory.

I had several times discoursed with Mr Banyar on that subject & have again lately. We were both of opinion that it would be attended with perhaps insuperable difficulties in Council otherwise than by some compromise with the Gentlemen who had obtained a Licence to purchase the same Lands. Mr Banyar tells me that he had wrote largely on that subject for which reason I think it needless to add more.

Every disappointment in serving you gives me pain,

but I hope to have the pleasure of shewing with what high esteem & respect I am Sir

By the Ship Prince George Capt^{n} Finglass.

To the Rt Hon^{ble} the Lords Commissioners for Trade & Plantations.

New York June 2nd 1761.

My Lords

On the 15th of May last I had the honor to transmit to your Lords^{ps} Transcripts of all the Acts to which I had given my assent since the administration came into my hands with the seal of the Province affixed to each of them together with the Minutes of Council from the 2nd of August 1760 to the 2nd of March 1761, & Journal of the Proceedings of y^{e} Councill from the 21st of October to the 8th of November 1760 and the Journal of the Votes & Proceedings of the General Assembly from Sept^{r} 1760 to April 1761.

With this y^{r} Lordships will receive printed copies of five Acts to which I gave my Assent the 19th of May, & the printed votes & proceedings of the General Assembly from the 5th of May last to the 19th at which time they were adjourned.

Your Lordships will see the reason of my calling them together at that time from my Message to them the sixth. G^{l} Amherst thought it proper that I should press the Assembly to enable me to raise the full number of Men provided for by the Law past at their last meeting, by compulsory methods, tho' I told him at the same time that I did not expect they would comply. This was verified by their Answer on the 9th as in their printed votes.

Besides the 5 Acts to which I gave my assent the Council and Assembly passed two other Bills One Intituled *An Act to prevent disputes & controversies*

which may arise by the Demise of the Crown, & for other Purposes therein mentioned. The other *An Act providing that the Judges of the Supreme Court shall have their commissions during good behaviour* as to which I took time to consider.

The objections to the first of these Bills which occurred to me were: 1. The Title of the Bill is in such general terms that no man from it can judge of the real contents of the Bill. 2. Three different Matters are put in the same Bill which is expressly forbid by his Majesties 12th Instruction. 3. It is of an unusual & extraordinary nature whereby his Majesty's prerogative may be affected, & has no clause restraining its takeing effect till his Majesties pleasure be known, & therefore contrary to the 14th Instruction.

The first part of this Bill is framed on a supposition that all acts of Government after the King's death tho' impossible to be known at that time, are illegal & void. In my humble opinion while the King's death is absolutely unknown it can produce no effect. Knowledge with a power of deliberating are the objects of all Law & for this reason Laws do not extend to Brutes, Ideots, & Madmen. It seems to me, with submission, an absolute absurdity, to say that a man can be restrained in his Lawfull acts by any matter or thing of which it is impossible for him to have any knowledge. That the allowing anything to be a maxim in Law, which is in itself absurd & destructive of common sense & reason may be of pernicious consequence. It is establishing a kind of Law Popery & productive of similar consequences. By setting Law & Common sense in opposition, Lawyers may obtain a most extensive power over the Minds of the rest of Mankind.

That part of the Bill relateing to Courts of Justice is express'd in such terms that I suspect its design & purpose is willfully obscured in order to conceal it.

As to the other Bill relateing to the Judges it may be sufficient for me to observe that it is framed in contradiction to the 39th Instruction. There is no fixed

Sallary to the Judges. It is from year to year on the pleasure of the Assembly, & while they are thus dependant on the people for their Subsistence this Bill may be highly prejudicial to the just rights of the Crown & the Acts of Trade.

Inclos'd are copies of these Bills that your Lordships if you think proper may give directions in case they should be again introduced as I suspect they may.

Inclosed are likewise a duplicate of my letter of the 18th of February & of the Report of the Commissioners of Oyer & Terminer for holding an Admiralty Sessions which went by the Packet which was taken by the Enemy. I am with the greatest Submission, My Lords.

To His Excellency Gl Amherst.

New York June 8th 1761.

Sir

About this day week Gl Moncton having proposed to me that Captn McCarthy a French officer on his parole from Jamaica should be ordered to reside at Jamaica on Long Island in case he did not go to England by the first Vessel as he told me that he intended; I desired Gl Moncton to give orders accordingly.

This day a Ship has sail'd for London & Mr Wheelock tells me that McCarthy is not gone, but that he proposes to go in a vessel to Holland which is to sail in a short time. On which I advis'd him to obey the orders which he had received from Gl Moncton. By the Company McCarthy generally keeps I suspect that he is upon some scheme of illegal Trade.

I beg your Excellency to give me directions as to what may be necessary to be done in relation to McCarthy. Whether it be proper to allow him to go in any Ship directly to Holland or to any other part of Europe except England. In my opinion your pleasure will be most effectually observed by puting him under

the immediate care of your own officers, & for that reason I beg your Excellency to do it. Gl Monckton is now at Philadelphia that I cannot advise with him. Mr Wheelock this morning has mentioned some other French he has discovered in Town. I intend immediately to make inquiry after them. Pray let me have your commands in respect to such as may come privately in our own Vessels as I suspect these have don. I am Sir Yr &c

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[To General Amherst.]

New York June 18th 1761.

Sir

I have the honor of your Excellency's Letters of the 11th & 14th. Before I went into the Country I order'd the Magistrates to make search for what French men are in the place & to confine them to their lodgings which I am told has been done. Captain Wheelock at my desire has seen most of them, & examined them as to the reason of their coming to this place, & I shall give farther directions as you desire.

I shall make particular enquiry into Mr Scott's character & business here. I had heard nothing of him before I received your Excellency's Letter, but since that time I am told that he speaks perfectly all the modern Languages, & that he is a Man of Learning & perticularly skill'd in chemistry. He talks of going to Quebec. I shall inform myself more perfectly.

Last week before I went into the Country I gave orders that all the Men inlisted in the Pay of this Province should be sent up to Albany, & I expect they will all sett out for that place before the end of this week. Coll. Thody & Brewingtone have been constantly employed in forwarding the inlistments in the several Counties & in mustering the Men, & I think both of them have been diligent & of more use than they would have been at Albany. Coll. Brewingtone

is gon to Albany & to take along with him what Men are inlisted along Hudsons River besides those already gone up. Coll. Thodey will go up with the Suffolk County Levies which have been the most dilatory. I expect them before the end of the week.

Yesterday I appointed in Council Hermanus Schuyler Sheriff of Albany and directed his Commission to be made out & sent to the Clerk of the County that he may give the usual security before it is delivered. I expect it will go by this Post. It gives me the greatest pleasure when I have an opportunity of shewing that I am with the greatest respect Sir Y^{r} most obedient & faithfull Servant.

To the Mayor of New York.

Fort George June 8th 1761.

Sir

Since I spoke with you in the forenoon I have thought it necessary to desire that you will give orders to all the French men who are in this place, & are not prisoners of war here, or such as have passports, that they confine themselves to their Lodgings. I must likewise desire that you will make enquiry how & for what purpose they came here & make Report thereof to me, or that in case you are going out of Town yourself that you would direct some of the Magistrates of the City to do this Service & that they make Report to me of what they shall have done, I am &^{c}

To the Hon^{ble} Henry Moore Esq L^{t} Gov^{r} of the Island Jamaica.

New York June 23rd 1761.

Sir

As soon as I received yours of the 10th of January,

I called the officers of the Customs, and communicated it to them. Before they made any Report to me, I was taken dangerously ill that I could not attend publick business for six weeks, & afterwards it escaped my memory for some time. You will perceive by the report that the General Johnson was lost on this Coast, as by two certificates from the two insurance offices in this place. Inclos'd is a copy of her clearance from Jamaica. The Phenix did not come to this Port. It will give me the greatest pleasure to have any opportunity of shewing with what great regard I am Sir

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To General Amherst.

N. Y. June 24th 1761.

Sir

I had the honour to write to you in answer to yours of the 15th on Monday last by the Post. This goes by Coll Thodey who has been detained here by going into the Country & hastening the Levies as much as possible & other Services relateing to the forces of this Province. I hope he will please your Excellency by his diligence as much as he has done me.

I have enquired as much as I could into the cause of Mr Scotts comeing into this place, but cannot learn it distinctly. By some Letters from Gr Melvill to him, I find that Mr Melvil has an esteem of him & friendship for him & employed him to go in a flag of truce to Martinico. On the whole I find no reason, or what may justify me in ordering him to leave the Province. I am with the greatest respect Sir &c

To General Amherst.

June 29th 1761.

Sr

My last was by Col. Thody who I expect is with your Excely before this time. Since which I have the honour of yours of the 21st & 25th

The Day Col Thody left this, Captn Terlush brought his Muster Rolls of 79 men sign'd by Col Brenington. I dispatched him immediately with the bounty for the men & inlisting money with orders to repair to Albany without delay with his company. I expect that when he arives, the forces in the pay of this Government will not come short of 1500 men. Tho' I believe that the inlisting officers have been diligent we have not been able to compleat our number, but I hope we are not more deficient than they are in the neighbouring Governts I have don all that was in my power to compleat them.

At the time you was pleased to recommend Mr Schuyler to be Sheriff of Albany, Sr Wm Johnson recommend Captn Farel for the same office. I find by his letter of the 18th instant which I recd last night he is displeased that his recommendation has not had its effect tho' I informed him of the reasons of my apointing an other. He does not mention to me any thing of the murder committed by the Oneyda Indians. I am clearly of your Excellency's opinion that the Oneydas be obliged to deliver up the Murderer. If we cannot inforce at this time a proper regard to the authority of this Government it may be more difficult to do it at any time afterward.

Sr Wm Johnson early in the Spring informed me that he had obtained a large tract of land on the North side of the Mohawk River by Deed of Guift from the Indians. Before I knew this Col De Lancey & others had obtained licences to purchase this land which however I stopt in hopes of some compromise between Sr

W^m & the others which I was in hopes he might be induc'd to make as by the Rules of this Government no person is to take lands from the Indians by purchase or otherwise without haveing first obtained a licence. S^r W^m is displeased that I decline giveing him the Kings grant of these Lands which indeed is not in my power to do without consent of Councill & which in this case I told him I had no hopes of obtaining. By his last letter of the 18^th he tells me that the Indians will dispose of none of their lands at this time. This is of small consequence to me because I am perswaded the grants of these lands cannot pass while the administration is in my hands, tho' they were to meet with no obstruction in the proceedings, but it makes others uneasy.

I was advised to grant a tract of land on the west side of Lake George by the Councill to Major Rogers & his Associats. S^r W^m in this letter tells me that the Mohawks claim this land. The Council were of opinion that this land is vested in the crown having been purchased many years since by one Dellius who had a patent for it which was afterwards vacated by act of Assembly & the lands revested in the Crown. We cannot tell where the claims of the Mohawk may stop if they extend them to the east side of Hudsons River under pretence that it is their hunting ground, tho' another nation not long since lived upon it & claimed the lands before they deserted & went to the French in Canada.

I have recover'd my health beyond my expectation. May I thereby be enabled on every occasion to shew with what great respect I am Sir &^c

To Sir W^m Johnson B^t.

New York, July 2^nd 1761.

Sir

I am sorry to find by yours of the 18^th of last Month that I have not given you all the satisfaction that I was very desirous to do. After G^l Amherst by letter, and G^l Monkton in person had interposed in favour of M^r Schuyler, I had in prudence no choice left, & I flatter myself that you are so much convinced of this that you will readily excuse my not complying with your request.

But your imagining that any obstruction to your obtaining a Grant of the Lands which the Indians have given you by Deed of Gift, arises from me, gives me the most uneasiness, because I truely took those steps which I and your friends thought the most adviseable for your obtaining your purpose. The Council had advised to giving a Lycence of purchase to the same lands before your Deed of Gift was known to me. After I knew it I stopped the issuing of the Lycences and they still remain with me. As to other particulars in this affair, I must refer you to what your good friend M^r Banyar has wrote you on that subject, for he has your interest sincerely at heart.

I cannot allow the Kings right to the Soil of the Lands on the East side of Hudsons River to be call'd in question. The Lands which I am advised by the Council to Grant to Major Rogers and his Associates on the West side of Lake George are evidently part of the Lands purchas'd of the Indians the 5th Day of June 1690 by Godfrey Dellius & granted to him by Letters Patent the 3^rd of Sept^r following, which Grant was vacated by Act of Assembly, confirm'd by Queen Anne and the Land revested in the Crown.

As to the other Purchases of Lands, they are of little consequence to me, as the grant of these Lands, supposeing the purchase could be made without delay,

cannot with any probability pass while the administration is in my hands, but the stopping of them may be of great prejudice to the settling of the Country, as great numbers of people are now fond of settling in that part of the Country, & they likely to draw greater numbers after them. If they should be diverted another way, as probably they will, it will really be a prejudice to the King & to the Province.

Be assur'd that I am with the greatest regard S^{r} &^{c}

P.S. I expect an answer in writing from M^{r} Barclay as to the land he has near the Mohawk, which I shall send to you as soon as I receive it. The Indians have my permission to build a Church at Conajohary. I am &^{c}

To His Excellency G^{l} Amherst.

N. Y^{k} July 9th 1761.

Sir

I have the honour of yours of the 2nd Instant. Capt^{n} Terbush's Company of eighty men I expect arrived at Albany soon after that date. Your Excellency will then perceive that we exceed the number which I expected to raise, by our Musters they amount to 1619 Men.

A Swiss officer in the Dutch Service at Surinam but last from S^{t} Croix, come to this place for his health, says that about the 14th of June the G^{r} of S^{t} Croix had an account that Lord Rollo had taken possession of Dominica without resistance, that there were 800 French families on the Island. We hear one of the Transports with Coll. Vaughans Men on board was taken & carried into Martinico. I am Sir Y^{r} &^{c}

To Capt^N John Boyd of his Majesties Ship Penzance.

New York July 12^th, 1761.

Sir

I have your favour of the 25^th of last month from on board the Penzance at sea. Tho' I be affraid that the information which I now enclose, may come too late, yet I think it proper to forward it to you, whatever be the case.

Were it not for the misfortune of your Ship going badly, I should hope you might give a good account of the Privateer mention'd in the inclosed, as probably she will fall in your way. Our Publick newspapers mention several Privateers to be on the Coast. I am much obliged to you for your congratulations on my being appointed L^t. Gov^r. I wish it may enable me to show with what great regard I am Sir &^c

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To his Excell^y. G^l. Amherst &^c at Albany.

New York July 16, 1761.

Sir

I have the honour of yours of the 12^th Instant. I flatter myself that your Excellency is convinced that I have done everything in my power to compleat the numbers of the New York troops & I hope that we are not in any respect short of what any of the other Provinces has don.

I did expect the Answer which the Oneydo's have given to Sir William. It is the same the Indians have allways given in similar cases. I wish that they may be made sensible, that such excuses will not pass for the future. I know nothing of the Murder of two Indians by one Smith mentioned in the Answers of the Oneydo Indians.

We hear from Boston that the citadel le Palais was taken by storm with much bloodshed. It comes two different ways, by one of the Mast Ships, who spoke with a Cutter from Belle Isle, and by a Ship from Liverpool, which brought London Prints to the 19th of May.

I inclose a pamphlet wrote by Mr. Scott, the Gentleman mentioned in one of your former. It may be of use in forming some judgement of him. I have it much at heart to preserve the esteem with which you honour Sir Yr &c

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To His Excellency Gl Amherst

N. Y. July 23d 1761.

Sir

I have the honour of yours by Coll. Robertson of the 18th & of the 19th by Post.

It is with much pleasure I wish your Excellency joy of the surrender of Pondicherry to his Majesties forces on the 17th of January last. This news comes by a Vessel to Philadelphia from Madeira, who spoke with Captn Baker of the London Packett who sail'd from Pondicherry the 11th of February with the news for our Court. The Captn of the Packet gave the account in writing under his hand a Copy of which I have seen. He was met by the Philadelphia Vessel, on the 22nd of June in Lat. 28° 9′ & Long. 42° from London.

We grow uneasy about our Packet as we hear that severall Vessels have been taken near Bermudas, and on this Coast. Letters from the West Indies say that the French in Martinico are carrying their best effects into the Mountains.

Major Rogers goes this day for South Carolina. Our Assembly stands adjourned to the 11th of next month. Please to let me know the time you think may be most proper to meet them to lay your Excel-

lency's Requisition before them. I am desirous to delay their meeting as long as may be without prejudice to his Majesties Service that Gl Monkton's commission may come before that time. I have the honour to be with the highest respect Sir Yr &c

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To General Amherst.

N. Y. July 29th 1761.

Sir

I congratulate your Excellency on Coll. Grant's Success of which no doubt you will receive a particular account from himself at the same time you receive this.

Govr Bull desires me to forward by Express the Letters directed to your Excellency. The Express boat waits your dispatches. I shall order the Master to return to South Carolina as soon as I shall receive your orders for that purpose. The Master tells me he is to receive his orders from me. I have nothing to add more than that I am with the greatest respect Sir Yr most obedient & faithfull Servt.

C. C.

To His Excellency General Amherst at Albany.

New York Aug. 5th 1761.

Sir

I have your Excellency's Letters of the 1st & 2nd of this Month. As soon as I had received that of the first, I sent for Mr Sylvester and gave him your Excellencys dispatches, & at the same time I directed the Master of the Express Schooner from Carolina, to receive Mr Sylvester on board & to proceed directly for Carolina. He declined receiving Mr Sylvester as haveing no room for any more than those who are necessary to Navigate the Vessel, He continuing to be un-

willing to receive Mr Sylvester, I sent him an order in writeing to receive Mr Sylvester on board, who is charged with your Excellency's dispatches, & to proceed immediately. He came to me yesterday morning. On my expressing my surprise to see him he said he is a Stranger & could not go in the night to the Hook with a contrary wind. He still expressing an unwillingness to take Mr Sylvester with him, I asked him whether he knew that he was under martial Law, & ordered him to go as soon as the tide permits with Mr Sylvester on board, which he did about two of the clock yesterday afternoon. Mr Bell could not go in this vessel, he is to go in 2 or 3 Days in a Vessel bound to North Carolina. The Express boat is an exceeding small thing of ten foot beam only, & Mr Sylvester will go very uncomfortably in her.

As soon as I received your Excellency's of the 2nd I sent for Captn Ruvyne. He could inform me no more than what you mention to me. I desired him to discover the Masters name who carried Renaud & to inform me this morning, & I order'd the Council to meet me this morning to advise with them, what is to be done in the present case, & to prevent the like for the future. I have ordered the Assembly to meet the first of September which is as soon as they can have sufficient notice for that purpose & nothing shall be omitted on my part to bring such dangerous trangressors of the Laws to condign punishment & to enforce a due observance of the King's commands. I did not see Captn. Ruvyne till last night. He sayed that as Renaud was gone, he thought it needless to give me any trouble on that head. But after I received your letter of the 26th I ordered all Masters cleared out for Jamaica to attend me that I might learn what passengers they carried, as I suspected that the vessel which was to carry Renaud might clear for that Port.

By the next Post I shall inform you of the resolutions of the Council. I think it needless to detain the

Post as I suspect nothing of consequence can at present be done.

Inclosed is the copy of a Letter which my Son received yesterday from Philadelphia & which confirms the account we had of Belle Isle's being in possession of his Majesties forces. I am Sir, &c.

To Gov^{R} Fitch.

N. Y. August 10th 1761.

Sir

On Saturday I sent by one who told me he was going streight to your house, a letter which came under my cover from the Secretary of States office, by the Packet. It seemed only to be a private Letter. At the same time I received his Majesties Commission appointing me Lieut. Governor of this Province.

I have received some information of illegal Trade carried on from this Port, by means of the Custom House officers of New London in the Colony of Connecticut. Some Merchants of this place ship provisions for New London & give bond to return a Certificate of their being landed there which is accordingly done. The quantity is much too great for the consumption of that place & it is therefore suspected that the Provisions are not really landed, or if Landed shipped again without bond. I must desire you & I make no doubt you will make proper enquiry privately to discover this fraud.

But what I am cheifly concern'd for is that the sloop Seaflower, John Weggery Master cleared out the 11th of last Month with twenty two Tons of Provisions & other goods for New London & gave bond to land the Provisions. I strongly suspect that she has not landed them, because she has carried off privately a French Man who lives at Mississippi & is suspected to be a

Spy. His name Renaud, & has been at Boston & some Months in this place.

You must easily perceive of what mischievous consequence this may be of, & therefore I must earnestly intreat you to use your diligence to discover whether this Vessel has been at New London or whether she landed her Provisions or carried them off from thence & to inform me of everything you can learn of that Vessel & of the French Man Renaud.

It is necessary that your enquiry be made as privately as possible, for any public enquiry will put the delinquents in this place upon their Guard so as probably to defeat all our endeavours to bring them to Justice. I am with great regard Sir Y^{r} &^{c}.

To The Right Hon^{ble} M^{r} Sect^{y} Pitt.

New York Aug^{t} 11th 1761.

Sir,

On the 7th Instant I received the honour of his Majesties Commission appointing me Lieutenant Governor of the Province of New York. As I take this to be a mark of his Majesties approbation of my past conduct in the administration it lays me under the strongest obligations to continue my diligence in performing my Duty to the outmost of my ability. I shall with the greatest attention endeavour to approve myself to be a faithfull Servant.

In April last the Assembly made Provision for raising 1787 Men, being two thirds of what they had raised formerly, before the conquest of Canada. They were fighting before that time pro aris & focis, now they think themselves under no such necessity to load the Province with so great an expence, & it was with some difficulty they were induced to comply fully with the Kings requisition. I must do the Council justice by informing you that they were of great use to me upon

this occasion. Tho' the Assembly refused to enact any of the Compulsory methods, taken before this time for raising of Men I have been able nearly to compleat the full number. I sent into the field between 16 and 1700 Men, sooner than any of the neighboring colonies did, & if I mistake not every way more compleat, & fit men for service.

The General by his Letter to me has made a requisition of 170 men with proper officers to replace the Regulars now withdrawn from Canada & from the frontiers, & to be continued in pay to July next. I have called the Assembly of this Province to meet the first day of next Month for this purpose. I hope and expect they will comply with the Generals requisition.

By my Commission I am directed to observe the late Kings Instructions to Sir Charles Hardy, & by the 39th Instruction I am directed to grant commissions to Judges & other officers during his Majesties pleasure only. Notwithstanding of which, Governor Clinton & Lieutenant Governor DeLancey granted the Commissions to the present Judges during their good behaviour and M^{r} Clintons appointment in this manner was approved of by the late King. It is thought however that these Commissions cease by the Demise of the Crown, & are now only continued by his Majesties Proclamation.

The Judges have applied to me in Council by Memorial to have their commissions renewed, during their good behaviour & notwithstanding that I shewed the late King's instructions to the contrary, I believe the Council would have advised me to grant these Commissions during good behaviour, if I had not found means to put off the consideration to another time.

In the last Sessions the Council & Assembly pass'd a Bill to make the Judges Commissions during good behaviour. I took time for farther consideration, but I expect the Assembly will insist to have this Bill pass'd. It is the only thing in which I have had any disagreement with them. I intend to insist that the Judges

Salaries be made to continue as long as their commissions, their Salaries being at present only given from year to year & the sum sometimes altered. Great difficulties are pretended in finding a fund for that purpose. As I expect that this matter will occasion difficulties in the administration, not only to me but to the Governor in cheif afterwards, I may be put under a necessity to comply with what both the Council & Assembly have much at heart.

It will make me very happy, if by my conduct I can merit the honour of being, Sir Your most Obeydient & faithfull Servant.

To the Lords Commissioners for Trade & Plantations.

New York, Aug^{t} 12th 1761.

My Lords,

On the 7th Instant I had the honour of your Lordships commands of the 28th of April last. At the same time I received the honour of his Majesties Commission appointing me Lieutenant Governor of this Province. I shall punctually from time to time obey your commands; but the answering the Queries which I received with your Letter requires more time, than I can have before the Packet Sails.

By his Majesties Commission I am directed to observe the late Kings Instructions to Sir Charles Hardy: By the 39th of which I am directed to grant Commissions to Judges and other officers during his Majesties pleasure only; notwithstanding of which M^{r} Clinton while he was Gov^{r} & M^{r} De Lancey while Lieutenant Gov^{r} granted commissions to the present Judges of the Supreme Court of this Province during their good behaviour respectively: & M^{r} Clinton's appointment of one of them was afterwards approved of by the King. It is thought however that these commissions cease by the demise of the Crown, and are only continued by

his Majesties Proclamation. The present Judges have applied by memorial to me in Council, to have their Commissions renewed during their good behaviour: notwithstanding that I shewed the 39th Instruction to the Council it appeared to me that they would have advised me to grant these Commissions during good behaviour, had I not put off the consideration of it for that time.

In their last Sessions the Council & Assembly passed a Bill enacting that the Commissions of the Judges shall be during their good behaviour. I took it at that time into farther consideration; but I expect the Assembly will insist to have this bill pass'd. If they do I shall urge that they at the same time make the Judges Salaries perpetual, for at present their Salaries, as well as of all other officers, are annually given by the Assembly. It is objected to this that they have no perpetual fund for this purpose & the doing of it must be involved with great difficulties. As I expect this matter will occasion difficulties in the administration, not only to me at present but may afterwards to the Govr in Cheif likewise, I apprehend that I may be under a necessity to comply with what both the Council and Assembly seem to have so much at heart.

The Troops in the pay of this Province, raised in April last in consequence of his Majesties requisition, being inlisted to serve only to the first of November next, the General by his Letter to me, made requisition of 170 Men to be continued in the pay of this Province from the first of November to July next, to supply the place of the Regulars, who are now to be employed in a different service. I have called the Assembly to meet the first of next month for this purpose. I hope & expect they will comply with the Generals requisition.

I laid before the Council the copy of John Noyelles petition to your Lordships sent to me by your Secretary. They seem'd to be exceeding surpris'd as they assured

me that every allegation in that petition is absolutely false, or egregiously misrepresented. No doubt they will vindicate themselves to your Lordships, as soon as a true representation of the matters he complains of can be made.

It shall be my constant endeavour to merit the honour of being My Lords Your Lordships most obedient & faithfull Servant

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To JOHN POWNALL ESQ^{R} SECT^{Y} TO THE BOARD OF TRADE.

New York Aug^{t} 12th 1761.

SIR

When I wrote last to you on the 16th of May, I had not so far recover'd from a dangerous illness which seized me in April to be able to converse freely with the Members of the Assembly in their last Session, as I proposed to have don, in relation to the Agency for M^{r} Bourk. Since that time the Speaker and principal Members have been in the Country. I have called the Assembly to meet the first of next month. At that time I shall use my outmost endeavours to serve M^{r} Bourk, for I have it sincerely at heart, whether I continue in the administration or not. The principal objection is that he is not known to any one person in this place, which I can no otherwise remove than by your recommendation of him, which I hope will have great weight. Some likewise are moved with compassion for M^{r} Charles, who they imagine will be under difficulties if the Agency be taken from him.

On the 7th Instant I received his Majesties Commission appointing me Lieutenant Governor. I think myself extreamly obliged to your Brother and to you on this occasion, as I make no doubt, his and your good offices with my Lord Hallifax has contributed much towards it.

General Moncton's Commission to be Governor in

Cheif of this Province is Expected with Governor Hardy, who, I am told was to set out in the beginning of July last. It is probable therefore that the duration of my administration will be very short. This however does not lessen the obligation I am under to my Friends. My appointment does me great honour, as a mark at least of his Majesties approbation & of my Lord Hallifax's favour. In whatever situation I be, it will give me the highest pleasure to serve you in any shape, & I beg of you to lay your commands on me which I shall esteem as an honour to Sir &c.

To His Excellency G^r^ Amherst att Albany.

New Y. Aug. 13^th^ 1761.

Sir,

I have the honour of your Excellency's Letter of the 9^th^ After having made different enquiries, I believe I have discovered the Masters name and the vessel which carried Renaud off. She clear'd for New London, and gave bond to Land her provisions there. I have wrote to the Gov^r^ of Connecticut to learn whether the Sloop Sea-flower, John Weggery master (the Vessel & Master whom I suspect) had been since the 11^th^ of July at New London, whether they landed their provisions there, or if landed carried it off afterwards, & whether Renaud was on board. I mentioned to M^r^ Fitch the reason of my makeing this enquiry, & desired him to inform himself as privately as possible, because I believed that if the owners in this place suspected that they were discovered they would prevent our obtaining legal proof & order the vessel or Renaud not to return to this Port. If I can obtain sufficient proof I shall make an example of them to deter others from such pernicious practices. I am &c

To Thomas Pownall Esq^R London.

N. York Aug 12^th 1761.

Sir,

On the 7^th of this Month I received the honour of his Majesties Commission to be Lieutenant Gov^r. I am fully perswaded that I have gained this honour by my Lord Hallifax's Interest only & that I owe it much to your favourable representation of me to his Lordsp, for I am not personally known to him. G^l Moncton's Commission to be Gov^r in cheif is soon expected. The duration of my administration is like to be very short. However that be if I can be of any use to you in this country whether it be for your amusement or otherwise, it will give me the greatest pleasure to receive your Commands, that I may have some opportunity of shewing with what gratitude I am Sir &^c

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To the R^t Hon^BLE The Earl of Hallifax.

N. Y. Augt. 14^th 1761.

My Lord,

On the 7^th of this Month I received the honour of his Majesties Commission appointing me Lieutenant Governor of this Province. As I know that I owe this entirely to your Lordship I beg leave to make my most humble acknowledgements, and to assure your Lordship of my assiduous endeavour not to be thought unworthy of the honour you have don me.

The high station to which his Majesty has advanced you, has broke that more immediate connection your Lordship had with the Colonies & thereby I may be deprived of the opportunities which I otherwise might have had of doing my Duty, & shewing my gratitude. Perhaps I may be of use to you in America in some manner, tho' I know not how. It will give me the

highest pleasure to receive the honour of your commands in any shape, for I am with greatest truth My Lord.

To the R^t Hon^ble M^r Sec^ty Pitt.

N. Y. Aug^t 13^th 1761.

Sir,

Having received your Commands of January 9^th by which I am desired to give Phillip Ybancs a Spanyard, Master of the Ship Virgin del Rosario, all the assistance in my power in his just claims, & to facilitate by all proper & legal steps the carrying into execution the sentence of the Lords of Appeal, the King having it much at heart that strict justice be don the subjects of his Catholick Majesty. M^r Walton Agent for the Spanyards shewed me a copy of the sentence of the Lords of Appeal, in which they declare that the proceedings of the Court of Vice Admiralty in this place were irregular & illegal, & the sentence of condemnation unjust, & warranted by no color of proof. Soon after I had the honour of your commands, I enclos'd a copy of your Letter to M^r Morris Judge of the Court of Admiralty in this Province, to which I have received no answer.

This day M^r Walton came to me to complain that he could receive no justice in the Court of Admiralty of this Province & does not expect he ever can, & desired me to inform you so. The matter is not before me. I am no Judge in this case. The Council for the Spanyards propose no legal steps to me to take for their reliefe, nor do I know any, besides those which have been taken before the Court of Admiralty, therefore I can do no more than to inform you as desired. I am with great submission, Sir &^c

To John Pownall Esq^{R} Secretary to the Board of Trade & Plant.

N. Y. Aug. 14th 1761.

Sir,

It may be proper to inform you that in the first Sessions of the Assembly of this Province, after the death of the late King, both the branches of the Legislature resolved to join with me in an address of condolence & congratulation to his Majesty; but soon after this resolution I was seized with an inflammation of the Lungs, & was in great danger which occasioned a considerable delay. The Assembly drew up the form of an Address which both the Council and I disliked, as being too long and too like the Declamation of a School boy, which however they were unwilling to alter; the continuance of my disorder prevented the Councils forming a separate address. I thank God I have been these two Months pass'd perfectly recovered. I am with great regard, Sir Y^{r} &^{c}

The 7 preceding Letters went by the Hallifax Packett Boat Capt. Bolderson who sail'd from the Hook Tuesday morning August 18th

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To General Amherst.

New York Sept^{r} 3^{d} 1761.

Sir,

The Assembly have now your Excellency's Letter of the 15th of June under consideration. The Speaker this morning came to me, & said he believed the House would this day have come to a resolution had not some of the Members made complaint & appeard dissatisfied that the last years Billeting Money had not been paid. They think that no misbehaviour of the Soldiers

can deprive the Inhabitants of a just debt due to them for supplying the soldiers with provisions which they undertook on assurances given by your Excellency that they should be paid. If you think proper to remove the dissatisfaction which some of the members have on this account I am in hopes their resolution on the subject of your letter will be to your satisfaction. Pray excuse this trouble which I give you at the desire of the Speaker that every thing may be done in the manner most agreeable to your Excellency. I am with the greatest respect, Sir &c

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To Gl Amherst.

New York Septr 3d 1761.

Sir,

Since I had the honour of writeing to your Excellency this morning at the desire of the speaker I have received the Resolves of the Assembly a copy of which I inclose. They give me the more pleasure by their comeing in two hours after the conversation I had with the Speaker & I hope you will be pleased with them. Allow me Sir to beg you to please them in answer to the Letter which I wrote you very reluctantly this morning. I am with the greatest Respect.

To Coll. Thodey.

F. G. N. Y. Septr 6th 1761.

Sir,

I have yours of the 18th & 23rd of last month. I have taken the first opportunity of informing you of the resolutions of the Assembly for continuing 173 officers included from the 1st of Novr next to the 1st of July 1762. For your better information a Copy of

their Resolves shall be made underneath. But the appointment will not be immediately made, till after a Man of War or Packet shall arrive from England, because the General in his Letter to me of the 3rd Instant advises me not to do it till after such arrival, least by the instructions he shall receive there be no necessity to put the Province to such expense. However that be I desire you'l send me the names of such officers as you shall think the most proper to be appointed & you may let the men know what incouragement is given them to inlist, which I think is as much as can be expected. A Man of War from England and a Packet are both expected every Day & therefore be not dilatory in sending me the names of the Persons you think most proper to be employed in doing of which without doubt the good of the Service will be your only Rule without favour to persons. I remain perfectly pleased with your conduct hitherto, & be assured that I am with great regard Sir Yr.

To Benjn Prat Esqr Boston.

F. G. N. Y. Septr 7th 1761.

Sir,

Your favour of the 22nd of last Month gives me great pleasure, as it gives me hopes of an acquaintance with a gentleman of your character. I have not the least intimation in relation to your appointment. Probably the Kings pleasure will be signifyed to General Monckton at the same time he receives his commission to be Govr in Chief of this Province which is every Day expected by one of the Kings ships. You may assure yourself that if your commission or the Kings Mandamus to make out a commission for you come to my hands you shall be informed of the Tenor of the one or the other as soon as I can or if it comes to General Monckton I

shall inform you as soon as the Tenor of it comes to my knowledge.

In whatever terms either the Commission or Mandamus comes over I must beg of you not to hesitate in accepting of the office of Chief Justice, because I am perswaded you cannot any where be so usefull as in that Station in this Province: and I am confident no consideration can be of such weight with you as the publick utility. If the terms of the Commission or Mandamus should not be in the terms you justly expect & I wish, you may assure yourself that I will do everything in my power to have it amended afterwards as I sincerely believe it may be done.

I shall heartily join in a representation to the Kings Ministers for that purpose & I flatter myself that though I should not be in the immediate exercise of the powers of Government I may be of some use to you in this case. Give me leave to add that in my opinion your acceptance of the Commission in the terms it shall be sent may more readily incline the Ministry to a compliance than the making any alteration a condition of your acceptance.

I hope Sir that in whatever situation you or I be this may be the beginning of correspondence & acquaintance & to make it agreeable to you nothing shall be wanting in the power of Sir Y^{r}.

To His Excellency Gen. Amherst.

New York, Sept^{r} 12th 1761.

Sir,

I communicated your Excellency's Letter to me of the 3^{d} Instant to the Assembly, at the time they presented their address to me, the same day in which I received it. They seemed so well pleased with it that I expected something proper in return to your kind Expressions & Assurances in regard to them, which made me delay

writing to the conclusion of the Session yesterday. I shall as you desire delay the draft of the officers & Men till I shall receive your directions.

As some alterations in the army may soon happen, I beg leave to mention M^r George Turnbull's name Lieu^t in the Company which Capt^n Rutherford lately commanded that if anything properly offer for his benefit your Excellency may think of him. He has long had a commission in the army first in the Scotch Reg^t in the Dutch service which he gave up to serve in America. He is not in a capacity to advance himself by purchase. On all occasions I have received a good character of him & being nearly related to my B^rs family I presume to recommend him to your Excellency's favor. I know of nothing in particular to desire for him as I write this without his knowledge. I am with the highest respect Sir

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To Sir Jeff. Amherst.

N. York Sept^r 19^th 1761

Sir,

The R^t Hon^ble M^r Sect^y Pitt has by his Letter of the 8^th of July informed me that the King had been pleased that Day to declare in full Council, his resolution of demanding in marriage the Princess Charlotte, Sister to the Duke of Mecklenburgh Strelitz, & that by his Majestys order he sends me an Extraordinary Gazette in order to make known this joyfull event to all his Majesties Subjects.

I have the greatest pleasure in congratulateing you upon the same, as no doubt your Excellency will receive it with the outmost joy & satisfaction.

The Mayor has committed a Deserter from the Troops of this Province. As the season is so far advanced I doubt whether it may be proper to send him back to his Corps, & it will not be easy for me to do

it. I beg your Excellencys directions in this case. I am with the highest respect Sir &c

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By the Gl Wall Capt. Robinson, sailed Oct^{r} 8th

To the Right Hon^{ble} M^{r} Secty Pitt.

N. York Sept^{r} 24th 1761.

Sir,

In obeydience to your Commands of the 8th of July, I have Ordered the Extraordinary Gazette of the same day to be published in this place to make the joyfull event therein mention'd known to all his Majesty's loveing Subjects in this Province.

General Amherst having by his Letter to me signifyed that it would be requisite for his Majesty's Service that this Province should levy and pay 173 Men, officers included as the quota of this Province during the absence of the Regular Troops on the important intended Expedition I called the General Assembly to meet the first of this Month for that purpose. They have so readily and fully complied with the General's Requisition that by Letter to me he declar'd his great satisfaction in what they have done: and at the same time desired me not to proceed in inlisting the Men in that Service, till he shall have received farther directions, which he every day expected.

In the first Session of the present General Assembly in April last, they passed a Bill enacting that the Judges Commissions for the Supreme Court of this Province be during their Good behaviour to which I did not give my assent for the following reasons

First, By the late King's 39th Instruction which his Majesty has directed me to observe, I am directed to grant commissions to Judges and Justices during his Majesty's pleasure only; and I thought it would be great presumption in me, to give my assent to a Bill

contrary to his Majesty's Instructions without previous leave or without a Clause suspending the Execution, till his Majesty's pleasure shall be known.

Next, There was no provision made in the Bill for the Judges Salaries, but they are left to the discretion of the Assembly annually for their support as formerly. This I thought might be prejudicial to the Rights of the Crown, on supposition that the Judges may be subject to undue influence, and likewise I suspect that leaving the Judges absolutely dependent on the Assembly for their support may have an undue influence even in private actions, when a leading Man of an Assembly is a party. I am unwilling to suggest that any of them had such intentions for no proof of it can be made, but instances of this kind can be given in former times.

In the short Session in the beginning of this Month the Assembly again brought in the same Bill without making any provision for the Judges Salaries, tho' they knew that the principal objection which I had made to the Bill was the want of such provision to have equal continuance with their Commissions. As I suspect that the Assembly may insist to have this Bill pass'd, & perhaps may make it a condition in the support of Government, I think it my Duty Sir to inform you of it that his Majesty's pleasure may be known, as soon as conveyniently can be, for at present all the officers of the Government are without any support.

It may likewise be proper for me to observe that tho' in the preamble of the Bill it is set forth, that the granting the Judges Commissions in this Province during good behaviour has been of long continuance, no Judge except the last Cheif Justice and the present puny Judges ever had a Commission otherwise than during the King's pleasure.

I am with the highest respect & greatest esteem Sir Y^{r} most obedient & faithfull Servant

By the G[l] Wall sail'd Oct[r] 8[th]

To the Right Hon[ble] the Lords Commissioners for Trade & Plantations.

N. York Sept 25[th] 1761.

My Lords

On the Second of last June I had the honor of writing and transmitting to your Lordships copies of two Bills pass'd last May by the Assembly & Council to which I did not think proper to give my Assent, & I then desired your Lordships directions thereon. As I am informed that the ship which carried these Letters is arrived safe, I think it needless to trouble your Lordships with a repetition of what I then wrote.

At General Amhersts desire I call'd the Assembly to meet the first of this Month, to make provisions for the inlisting cloathing & pay of 173 Men officers included as the quota of this province, for securing the frontiers in the absence of the Regulars on the important intended Expedition. The Assembly has so fully complied with the General's requisition that in his letters to me he declares himself fully satisfyed therewith.

Besides this *Act providing for one hundred and seventy three voluntiers officers included to be employed in protecting the different Posts on the Frontiers*, I gave my assent to *an Act to prevent frauds in the sale of damaged goods imported into this colony*, and to *an Act for naturalising John De Lisle, Frederick Frank & 148 others whose names are therein mentioned*, printed Copies of which I now transmit to your Lordships.

The General's requisition is a sufficient reason for my assent to the first of these acts. The Second is to prevent a fraud which I am told has been prejudicial to Insurers in Great Britain.

As to the Act for naturalising John De Lisle &c tho' I doubt much of the Authority of the Legislature

to naturalise, yet as the Lawyers think it may enure as an act of Denisation within this Province I conceived from your Secretaries Letter of the 14th of April that you would not be displeased with my continuing a Practise which had been long in use, & in which no inconveyniency has hitherto been observed. It was likewise represented to me that should we in this Province refuse such Acts of Naturalization, which can be easily obtained in the neighboring Colonies, it would draw all foreigners who are willing to settle & improve Lands from this Colony to the others.

As the General Assembly was call'd merely to comply with General Amhersts requisition & General Moncton's Commission to be Governor in cheif was then every Day expected I did not think proper to propose anything else for their deliberation nor to propose the Annual provision to be made for the support of the officers of the Government; tho' the last years provision for that purpose ceased the day on which the Assembly met.

The Assembly & Council in this Session, again passed the two Bills to which by my Letter of the 2nd of June I informed your Lordships I had delayed to give my assent. I again delayed my assent & inform'd the Council that I had transmitted copies of them to your Lordships & must wait at least a reasonable time for your directions.

The Title of the Act to prevent disputes &c is altered, but it is otherwise nearly the same with that of which I transmitted a copy to your Lordships. Besides the reasons against this Bill which I mention'd in my Letter of the 2nd of June, I told several of the Members in private that I thought it imprudent to alter a method which had long subsisted without any inconveniency, because the wisest men cannot see all the consequences of innovation.

The Bill for the Judges Commissions to be during good behaviour is so very popular, that I let my sentiments be known on that head the first time I met the

Assembly of this Province. As I suppose it was chiefly meant to prevent arbitrary removal of the Judges by the Governor, I proposed in private discourse with the Speaker & others to restrain the Governor by a Law from removing any Judge without consent of at least seven of the Council signed with their hands, or by address of the General Assembly for that purpose, or by express Command of the King which last they seemed convinced could not be obtain'd without sufficient reason.

After the Assembly had pass'd the Bill in their first Session in April last I told several of the Members that if they would make proper provision for the Judges Salaries to have the same continuance with their Commissions it would be a great inducement to give my Assent & might excuse me with the Kings Ministers notwithstanding of this in the last Session they did not make provision as I proposed, but on the contrary inclined to make the Judges dependent on them yearly for their salaries. This seems to me to have such evident view to undue influence not only in cases where the Kings rights may be disputed but likewise in private Suits, where a leading man in an Assembly may be a party that I cannot pass it over without mentioning it to your Lordships. It is the more remarkable that this Bill was urged a second time, when no provision is made for any officer in the Government.

As probably my administration will soon be at an end I am the more desirous of informing your Lordships of the reasons of my conduct that I may retain with your Lordships the honour of being with the greatest respect & Submission My Lords &c

To the Hon^ble Archibald Kennedy Esq^r Collector of his Majesties Customs at New York.

New York Oct^r 2nd 1761.

Sir

I am directed by the Board of Trade to inform them of the State of Trade in this Province, of the number of shipping & of their increase or decrease in ten years. I know no better way of informing myself than from the Custom house & therefore please to order an Account of the number of Vessels cleared out and entered in the last twelve Months to be made out distinguishing Sloops or Vessels of one Mast from Ships or Vessels of more than one Mast; & the like to be made at ten years preceding this time, & the difference of the numbers enter'd or cleared at that distance of time.

Please likewise to make what remarks you think may be of use to their Lordships for their information as to the Trade of this place. I am, Sir, Y^r

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To Sir Jeff. Amherst &^c

N. York Oct^r. 6^th 1761.

Sir,

I have the honour of your Excellency's Commands of yesterday's date, I shall by the next post to Albany give orders for Inlisting 173 Men, officers included, from the Troops in the present pay of this Province. It may be doubted whether I have power to make drafts, & if it be true as it is said that General Moncton's Commission to be Gov^r of this Province is in the Man of War, which is supposed to be by this time at the Hook, my power may be superceded before my orders can be put in execution.

I am with the greatest respect Sir &^c

To the Right Hon^ble the Lords Commissioners for Trade & Plantations.

New York Oct^r 6^th 1761.

My Lords

Since the writing of my last inclosed with this which I expected would have gone about that time, I have been inform'd that the Judges design to forbear acting untill their Commissions are renewed, & that they will not accept of them otherwise than during good behaviour, as they had their Commissions formerly. This may lay me under great difficulties, unless before the setting of the Supreme Court which is to be in a fortnight, I shall know his Majesty's pleasure on this head, or M^r Moncton's Commission arrive very soon & free me from this uneasiness.

It may be of most dangerous consequence to stop the course of Justice, & this may lay me under a necessity of complying in a matter which is so popular, tho' the doing of it is against my own Judgment (as well as his Majesties Instructions) unless the Judges be made independent of an Assembly as well as of the King.

From the first of my administration I have endeavoured to gain this without success.

I am with the greatest Submission My Lords &^c

To M^r Secretary Pitt.

N. York Oct^r 6^th 1761.

Sir

The going of the Packett having been delayed longer than I expected I can now inform you that I have received this Day General Amherst's directions to inlist the number of Men as the quota of this Prov-

ince mentioned in the preceding which I shall comply with as speedily as possible.

Since my preceding I have been informed that the Judges of this Province design to forbear acting until their commissions be renewed & that they will not accept of them otherwise than during good behaviour as they had them formerly. It may be of most dangerous consequence to stop the course of Justice, & this may lay me under a necessity of complying in a matter which is so popular, tho' the doing of it be against my own Judgement (as well as his Majesty's instructions) unless the Judges be made independent of an Assembly as well as of the King. From the first of my administration I have endeavored to gain this, tho' without success.

I am with the greatest Submission Sir &c

To Benj^n^ Prat Esq^r^ at Boston

New York Oct^r^ 12^th^ 1761.

Sir

I am glad to learn by yours of the 3^rd^ Instant that you have received his Majesties Mandamus & that you are resolved to accept the office of Cheif Justice of this Province. I must advise you to set out as soon as possible to take the office upon you. The Supreme Court of this Province sets the 20^th^ of this Month & continues to the last Day of it. You may be here to take your seat on the Bench before it ends. There is no provision since the first of September for any of the officers of the Government. The Assembly meets the 10^th^ of next Month in order to Grant the necessary supplies for the support of Government which will give you full opportunity of knowing their sentiments as to the Salary of the Cheif Justice. Unless you enter on the office before they come to their resolutions they may evade makeing any as to the Cheif Justice,

& after having settled the support of Government in the next Session, they may evade Settling the Cheif Justices Salary for 12 Months. Both the Council and Assembly are warm to have the Judges Commissions during good behaviour & have twice passed a Bill for that purpose, but without makeing their Salaries of the same continuance, & for this reason I have refused my assent to it. But I have informed the King's Ministers that I incline to give my assent to such Bill provided that by the same Bill the Judges Salaries have the same continuance with their Commissions.

By your comeing to this place as soon as possible you may perceive that thereby all your difficulties may be got soon over, or if it should be otherwise you will have an early opportunity of laying your case fully before the Kings Ministers.

As to the settling of your private affairs you may depend on haveing my leave of absence till next Spring. In the January Supreme Court rarely is any business done & you may be back before the April Court in which the greatest number of causes are tryed. I hope to have the pleasure of seeing you soon And am Sir &c

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To His Exc'y G^{L} Amherst.

N York Oct^{r} 12th 1761.

Sir

In answer to the message which I received from your Excellency last night by L^{t}. Col. Robinson I am to inform you that soon after the Assembly had resolved to pay 173 Men on your requisition, I sent a Copy of their resolves to Col. Thodey & directed him to recommend such officers whom he thought most proper for that Service & were willing to serve but not to enlist the Men till he should hear from me. Accordingly he recommended Major Hogan to be Captain

who was willing to accept of the Commission & three other subalterns who he assured me were very proper for that service. On Thursday last I sent directions to Col Thodey to inlist the Men & inclosed Commissions to the persons he had named. I desired my son Alexander to enclose my Letter under his cover to Col. Broadstreet & to desire him to forward it by the first safe conveyance & to acquaint him with the contents of it. This day I have sent a Duplicate of my Letter of last Thursday to Col Thodey & I have given directions to the Commissioners to send up the bounty money for inlisting.

I hope to have omitted nothing that your Excellency expected from me I am with the greatest respect Sir

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To Abraham De Peyster Esq^{r} Treasurer of the Colony of New York.

New York Oct^{r} 14th 1761.

Sir

It appearing from the representation of the Paymasters and Commissaries of the Forces that there is a deficiency of the sum of Three thousand five hundred pounds in the sum necessary to discharge the pay that will be due to the Troops on the first Day of November next which deficiency arises from the General Assembly haveing made actual provision for fourteen hundred Men, & only passed a vote of Credit as to the Men that should be raised beyond that number: to avoid the Inconveyniencies which it is apprehended might happen if the whole of the pay due should not be paid to the Troops at the time of their discharges, I do, by the advice of his Majesties Council recommend that you will out of any money in your hands unappropriated or not necessary to be more immediately issued for other services advance & pay to the said Commissioners & Pay Masters any sum not exceeding Three

thousand five hundred pounds for which they shall apply to you, to make up this deficiency in the Provision already made for the pay of the forces, which there can be no doubt will be allowed you in your accounts, or replaced by the General Assembly agreeable to their vote of Credit. I am Sir

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To Coll. Thodey or the Commanding Officer of the New York Regiments at Oswego.

New York 8th Oct^{r} 1761.

Sir

Your Letter of the 22nd of Sept^{r} incloseing the Return of the Regiment of the 16th and Copies of your orders of the 21st I received. The General has by his Letter to me of the 5th Instant acquainted me that by the arrival of the Packet he finds the Quotas demanded of the several Provinces will be requisite & desired I would give the necessary directions for retaining the 173 Men officers included in the pay of this Province, during the ensuing Winter, you will therefore if the whole of that number are not yet enter'd, Order the officers whom on your recommendation I have appointed to the Corps to complete the number as soon as possible. The inlistment must be from the 1st of November next to 1st July 1762 unless sooner discharged. Should any deficiency happen by Death or otherwise before the first of November you will take care to supply it by engaging others, so that the whole may be complete when they enter on this service. I have issued a Warrant for the bounty of 40^{s} to each man and the Commissaries and directions to M^{r} Volkert P. Douw to pay the bounty at Schenectady to the Person who shall produce an order for that purpose from the Commanding Officer of the Company as the Act directs, and they will take care to have the Cloath-

ing in readiness either to send or deliver as they shall think best, of which notice will be given.

The attention you have shewn & the manner you have acquited yourself in every point of service assure me nothing will be wanting to put this Corps in a State capable of performing the Duty expected of them. I need therefore add nothing more on this subject As the time is approaching when the Regiment will expect to be discharged, the dispositions you shall make against that event, and your own & the care of all the officers in general, will I hope tend as much as possible to the preservation of the Troops on their March to Albany & in returning to the places of their abode so that no neglect may be imputed to the officers in this essential part of their Duty the Commissions are enclosed. I am &c

To the Duplicate was added as follows.

Fort George Nov. 12th 1761.

Above is the Duplicate of what I sent last Post to Albany with the Commissions inclosed. My son Alexr by my order inclosed it to Coll. Broadstreet to forward.

Last night I received a message from the General by Coll Robinson to put me in mind that the inlisting of the 173 Men be not neglected. Let me know as soon as possible what is done that the service may not suffer by any delay or otherwise which it may be in your power or mine to prevent. I am

I forgot to inform you that the Assembly have provided for a Surgeon at the rate of 10s pr Day, but no provision for Medicines Agree with any fit person for this Service & I shall send his Commission when I know his name.

To the Right Hon^ble the Lords Coms^rs for Trade & Plantations.

New York Oct^r 21^st 1761.

My Lords

Inclosed is the answer of the Council to the Allegations contained in the Petition of John De Noyelles to your Lordships with the papers referred to in their answer.

As to what seems more particularly to relate to myself, your Lordships may be assured that since the Administration has been in my hands, the Court of Chancery has been as much open to all Persons as ever at any time, & if I may credit the register of the Court, more business has been don in it, than in 12 years before.

. I nor none of my family have any interest in the Lands at or near the place where John De Noyelles resides. He never made any application to me, except in favour of one whose name I have forgot, to have that person admitted to be a Solicitor in Chancery on his pretensions of his having been admitted a Barrister at Law in the Inns of Court, tho' he had no evidence of this, pretending that he had lost his Papers. All I did in this case was to refer the Petition to the Judges of the Supreme Court as usual in such case, for them to examine into his qualifications & to report to me, after which I heard nothing from him. I am with great Submission My Lords &^c

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To His Excellency the hon^ble R^t Monckton Gov^r of the Province of New York.

New York, Nov. 11^th 1761.

Sir

I received your Excellency's Letter this afternoon

while General Amherst gave me the honor of his Company, which I hope will be an excuse for my not answering it till he left me. All that I can say is that as soon as I shall know his Majesty's pleasure on the subject of your Letter I shall pay a due regard to it. I am with the greatest respect & truth Sir Yr most obeydient & most humble Servant

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To Govr Monckton.

New York Novr 12th 1761.

Sir

It gives me great concern that I learn by your Excellency's Letter which I received this Morning that mine of last night is not so satisfactory as you expected; I am humbly of opinion that his Majesty's Instructions to you are the only rule for me to act by, & as I do not know them it is impossible for me to give a more explicit answer than I have given. Within my own knowledge the Article in Sir Charles Hardy's Instructions to which your Excellency refers has been framed differently in Instructions to other Governors. I beg your Excellency would not imagine that I have the least thoughts of depriving you of any of your just rights, if it were in my power. I hope nothing in my past conduct can give the least cause for such a suspicion. At the same time I am confident from your Excellency's well known generosity that you will not desire that the honor which his Majesty has done me by appointing me his Lieutenant Governor of this Province should be to the prejudice of my family. There is no Salary at this time for the Govr of this Province, & it is not impossible but that the Assembly may grant the Salary for this year on terms which the Govr cannot accept consistently with his Duty to the King, & the Perquisites are by their nature precarious. For these reasons, I know not how I could have an-

swered your Excellency's Letter of yesterday more explicitly than have done.

The Expence of keeping a family in this place with any degree of distinction is so well known to your Excellency that I am perswaded you will readily believe me when I assure you that the Salary & Common perquisites have not don more than defrayed the expences of my family tho' conducted with all the saveing œconomy I could. The only perquisite which can be thought considerable is that for the grants of Lands and as to this I am willing to submit to any regulation you shall please to propose.

I have such confidence in your Equity and Generosity that I shall think it happy for me that your Excellency will please to be explicit, as I cannot take upon myself to make proposals to your Excellency. You will therefore Sir do me a singular favour by being explicit with me in what you expect, & then I hope I shall convince you how much I have at heart to be in your favour & how desirous I am that your Excellency will esteem me as Sir Y^{r} most obedient & faithfull Serv^{t}

To Sir W^{m} Johnson, Bart.

Fort George Nov^{r} 22nd 1761.

Dear Sir

Last night I received your favour of the 6th which gave me the great pleasure of knowing that you are return'd safe from your tedious journey, & that you had succeeded in the affairs you went upon. On which I heartily congratulate you. It will give me the greatest pleasure to have a more particular account of this new addition to the many signal Services you have don your Country.

I hope Sir you do not imagine that your disappointment as to the Lands the Indians have given you is in any shape owing to my negligence of what con-

cerns you. It would have given me the greatest pleasure to have convinced you of the great regard & esteem I have at all times retain'd for you, and of the high value I put on the friendship with which you do me honour You know that in the grant of Lands the Council have a negative upon me, & while I thought that I could not have their concurrence, I thought it best to delay to a more favourable opportunity which I hope may now happen on your proposals by Mr Banyar. It is certainly my interest as well as Inclination to forward your affair as much as in my power. As to the Sheriff of Albany's office, I hope you are satisfyed that General Amherst had laid me under a restraint from which I could not free myself.

Mr Barclay told me that he was willing to part with the land which he has near the Mohawk Castle for the use of a Minister for the Mohawks provided he have the money repaid him which it cost him, & to prevent mistakes he would give his proposals in writing, which he has not don. After I heard you was gon on your journey I thought it best to delay pressing him till your return. I shall now very soon put him in mind of it.

It may be best for you to write the informations you have received of Urie Clock's behaviour in respect to the Indians land in a letter by itself with what you desire to have done, that I may lay it before the Council for their advice and concurrence, as I really think it a matter of consequence in which they have had great injustice don them, & would gladly do everything in my power for their reliefe. As your Letter this time is on private affairs, I think it improper to lay it before the Council, & it is not full enough to form any legal proceedings on it, neither do I as yet conceive what method may be the most effectual for their releif.

I expect the Packet will sail before the end of this week, and as I am busy in my Letters to England and prepareing for the meeting of the Assembly I am

pretty much hurried for I seldom can prevent being interrupted by people's comeing on their private business.

Be assured that nothing can give me more satisfaction & pleasure than to be esteemed by you as I really am Sir your Sincere friend & most obedient Servant

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To the Right Hon^{ble} M^{r} Secretary Pitt.

New York, Nov^{r} 22nd 1761.

Sir

On the 26th of last month, Major General Monckton published his commission of Captain General & Governor of this Province. On the 13th of this Month he produced in Council his Majesty's leave of absence, & redelivered the seals to me. I have now again entered on the administration, by Virtue of his Majesty's Commission appointing me Lieutenant Governor & of the Clauses contain'd in the Governors Commission for that purpose.

It is necessary that I inform you that General Monckton did not receive his Majesty's Instructions with his Commission notwithstanding of an express reference in the Commission to them, as delivered with it. The Governor did not inform me or the Council of this, till after his Commission was read in Council, when some doubt arose as to the appointment of his Majesty's Council for this Province, the nomination & appointment & rank being expressly referred by the Commission to the Governors Instructions delivered with the Commission. This in case of my death, while the Governor is absent may occasion difficulties of greater consequence.

M^{r} Pratt, by virtue of his Majesty's Mandamus has received his Commission of Cheif Justice of this Province & has taken the usual Oaths to qualify himself for the office.

It may likewise be proper to inform you, that it has been usual to send over new Seals on a new Accession, and that none are received.

The support of Government expired the first of September last. The Assembly is called to meet this day to make further provision for this purpose.

I flatter myself that by my past conduct it will appear, that I have endeavoured to do my Duty: & I shall continue the same endeavours to the utmost of my ability. I hope with submission to obtain thereby the honor of being Sir

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To Mr Secty Pitt.

New York Novr 23d 1761.

Sir

I am now about giving you a trouble which I should not have attempted to any other person in your high station, and tho' I be entirely a stranger to you, & have no connections to favour my pretentions, I assure myself that you will not receive them with contempt.

I flatter myself that I was appointed Lieut. Governor of the Province of New York as a reward of my past services which were known at the Board of Trade & Plantations, and of my past conduct in the administration of this Government after Mr De Lancey's Death.

By the late Kings instructions to Sir Charles Hardy, our late Governor in Chief in case of his absence, the Lieutenant Governor is to receive *One full moyety of the Sallary and* of *all perquisites and emoluments which would otherwise become due to you* (the Governor) This Instruction was formerly, *One full moyety of the Sallary, and all perquisites and emoluments which would otherwise become due to you.*

I was informed by Mr Burnet that when he was appointed Governor of this Province, about the year 1720, a Clerk of the Board of Trade, without direction from

the Board, inserted the word [of] between the words [and] and [all] by which single word so considerable alteration has happened in this Instruction before that time and afterwards. This I presume will appear by the copies of the Instructions to M^r^ Hunter & all preceeding Governors & the Copies of the Instructions to M^r^ Burnet and succeeding Governors, remaining in the Board of Trade's office, & I presume likewise nothing appears on the Minutes of the Board of Trade to authorise the making so material an alteration.

Perquisites cannot legally or equitably be due to any besides the Person who performs the service on which they arise. They are conceived as a *quantum meruit* for those services & cannot with equity be given to another. It may therefore be reasonably infer'd that the King's Ministers when this Instruction was originally framed designed that the person who perform'd the Services should receive the whole of the perquisites & emoluments of those services, and that the alteration made in the Instructions has been fraudulently obtain'd.

The Cloathing of the four Independent Companies of Fusiliers in New York is entirely received by the Gove^r^ in Cheif in his absence as well as when he resides without the least share of it to the Lieutenant Gov^r^, tho' I am well assured this single emolument is of more value than all the other perquisites & emoluments put together.

The perquisites are received in the same denomination of current money of this Province, in which they were at first established, tho' the value of the current money has been greatly diminished since that time, & the price of all necessaries of living greatly increased. I may appeal to Sir Charles Hardy our late Gov^r^ that it is not possible for any family to live with the least distinction on the half salary and half perquisites, & yet since he left this place, all necessaries of living are increased one third more than they were when he was in this place. To all which I may add that while

the Gov^{r} in Cheif resides in the Province, the Lieu^{t} Gov^{r} has not the least profit or advantage by his office.

I therefore humbly pray, that, if the Instructions be not already transmitted this Instruction be restored to its original form as it was intended to be: or that I may have such other releif as his Majesty in his wisdom shall think fit.

I know Sir the difficulties attending a formal application, & therefore I shall only trust to your candor & equity towards an old Servant of the Crown, whose ambition is to merit the honour of being with great Submission, Sir

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To the R^{t} Hon^{ble} the Lords Commissioners for Trade & Plantations.

New York Nov^{r} 25th 1761.

My Lords

On the 26th of last Month, Major General Monckton published his Commission of Captain General and Governor of this Province: On the 13th of this Month he produced in Council his Majesty's leave of absence & deliver'd the Seals to me.

I have now again entered on the administration by virtue of his Majesties Commission of Lieutenant Governor, & of the Clauses contain'd in the Governor's Commission for that purpose.

It is necessary that I inform your Lordships that General Monckton did not receive his Majesties Instructions with his Commission, notwithstanding of an express reference in the Commission to them, as delivered with it. The Governor did not inform me or the Council of this till after his Commission was read in Council when some doubts arose as to the appointment of his Majesty's Council for this Province, their nomination and appointment & Rank being expressly referred by the Commission to the Instructions delivered

with the Commission. This in case of my Death while the Governor is absent may occasion difficulties of greater consequence.

The Assembly met yesterday, inclosed is a printed Copy of what I laid before them.

I flatter myself that I was appointed Lieutenant Governor as a reward of my past services, while many years in the Council which were best known to your Lordships & of my conduct in the administration after Mr De Lancey's death.

By the late King's Instructions to Sir Charles Hardy our late Governor in case of his absence *One full moyety of the sallary and* OF *all perquisites and emoluments, which would otherwise become due to* (*the* Governor) are to be paid to the Lieut. Govr. This Instruction was formerly *One full moyety of the Sallary and all perquisites & emoluments which would otherwise become due to you.*

I was informed by Mr. Burnet that when he was appointed Govr of this Province, about the year 1720, a Clerk of the Board of Trade without direction from the board inserted the word (of) between the words (and) and (all) by which single word so considerable an alteration has happened in this Instruction before that time and afterwards. This I presume will appear by the Copies of the Instructions to Mr Hunter & all preceding governors, & of the Instructions to Mr Burnet and succeeding Governors remaining in your Lordships office. And I presume that nothing appears in the Minutes of Transactions at your Lordships Board to authorise so material an alteration.

Perquisites cannot legally or equitably become due to any besides the person who performs the Service on which they arise. They are conceived as a *quantum meruit* for those services. It may therefore be reasonably inferred, that the Kings Ministers when this Instruction was originally framed intended that the person who performs the service should receive the whole of the perquisites & emoluments of those services, and

that the alteration made in the Instructions has been fraudulently procured.

I therefore humbly pray that if the Instructions be not already transmitted this Instruction be restored to its original form, as it was really intended to be: or that some other proper reliefe be given as Justice requires.

The value of the Currency of this Province is so greatly diminished, since the first establishment of the perquisites and the price of all necessaries of living so greatly increased, that a family cannot be supported with the least distinction on the half salary & half perquisites. To this may be added that while the Gov^{r} in Chiefe resides in the Province, the Lieut Gov^{r} has not the least proffit or advantage by his office.

It shall be my continued endeavor to show how ambitious I am of being as my greatest honor My Lords &^{c}

To John Pownall Esq^{R}

New York Nov^{r} 26th 1761.

Sir

In the short time of 18 days, in which General Monckton took the administration upon him, I discovered by his behaviour, that he had entertain'd some disgust with me but by what means or on what occasion I could not conceive, till the day before he left this place to proceed on the Expedition.

Then I found that Smith the younger a Lawyer had somehow obtained an Intimacy with General Monckton, & like a crafty malicious smooth tongued hypocrite made use of the influence he had obtained in the manner I am about to relate.

M^{r} Monckton did not receive his Majesty's Instructions with his Commission. He did not inform me of this defect nor the Council till after his Commission was read in Council, at which it was always usual to

produce the Instruction in which is the nomination & list of Councellors to shew that they are the persons authorized to qualify the Gov^{r} & to act as his Majesty's Council. On my informing him of this usual practice he answered that he had received no Instructions. I solemnly declare that before I heard these words, after his Commission had been read, I did not know that M^{r} Monckton had not received his Instructions nor had I the least suspicion of it. The surprise immediately raised a doubt what was to be don in the case, when it appeared by the Commission that the King had made an appointment of Councellors in his Instructions, and it does not appear who these persons are. If every word then spoken, could be remembered, tho' spoken under surprise & without time to reflect nothing was said that could reasonably be taken amiss. However Smith the younger (as I have been well informed) made use of this to influence M^{r} Monckton with strong resentment against me by perswading him that I knew the Instructions had not been sent over with the Commission and that I designed to prevent M^{r} Monckton's entering upon the administration by the want of sufficient authority to qualify him, every part of which is absolutely false. However it had its effect that was designed, in raising a flame in materials easily susceptible of it. In consequence of which he never once spoke in private with me on any one point of Government. He did several things of no manner of use to himself, which he might properly have left to me, as they might have served to make my future administration easy. On a very slight occasion he declared in Council that he would have given the Judges their Commissions during good beheaviour, & that it was wrong to refuse them, & this he did without desireing to know my reasons for refusing and without having spoken to me in any manner on the subject. I need not to mention to you the reasons of my conduct as they were before that time submitted to the Lords of Trade and Plantations.

The day before the Governor delivered the Seals to me, he wrote a letter to me, to know what I intended to do as to the half sallary & half perquisites due to him while I had the administration. I answered that I would comply with his Majesties Instructions as soon as I shall know them: he insisting on a more explicit answer I told him that I knew of no obligation I am under to give anything obligatory in writing under my hand, but I declared before several Gentlemen of the Council that I would yield obedience to the Instructions, & was willing to have this declaration entered on the Minutes of Council On which Mr Monckton appeared to be in a violent passion and broke up the Council.

After this I went to Mr Watts one of the Council, an eminent Merchant in this place, & the only person I knew to be intimate with Mr Monckton to desire his assistance to reconcile matters between Mr Monckton & me. Mr Watts advised me for particular reasons to enter into an agreement in writing, which I did consent to, and which was accordingly drawn up with Mr Watts approbation & sent to Mr Monckton for his approbation. In consequence of which he sent me the same evening a paper in the hand writing of Smith the younger by which under the penalty of £1000 I should receive no part of the Sallary or Perquisites during his absence, but that the whole of both should be paid into the hands of the deputy Secrettv and he afterwards to account to us under the like penalty. After I had received this paper Mr Watts was so kind as to carry my answer which was Whatever the consequence be of my refusal, I will not sign that paper or any paper similar to it as it is thing unworthy to be offered to any gentleman or to one in my Station. The same Evening the same Smith framed a Bond of £2000 *with security* that I should account *upon oath* &c this was shewn to Mr Watts before it was sent me, he told Mr Monckton that the security was needless, that he would at any time if I desired it let me have double that sum on my single Bond & that the words

upon oath could only serve to irritate, to which he was sure the Lieut. Gov^{r} would not yield nor could he advise me to it, on which the Security and the words *upon oath* were struck out of the rough Draft sent me. By M^{r} Watts's perswasion I consented to give a Bond to M^{r} Monckton for one half of the Sallary & of the Perquisites during his absence if the King's Instructions to him [were the same] as those of the late King to Sir Charles Hardy.

The reason of my doing this is, that the Gov^{r} has power to suspend the L^{t} Gov. and to appoint another, but tho' such a suspension may take place & the appointment of another may serve while the administration is in the hands of the Gov^{r} in cheif yet it is thought that it is not sufficient to empower the Lt Gov. appointed only by the Gov^{r} in cheif to take the administration of Government upon him. It seems in no manner to be the Kings intention to impower the Governor to appoint a successor in the administration, since it is so carefully provided for otherwise in the Commission. By the Commission in case there be not L^{t} Gov^{r}, the person first named in the list of Councillors contained in the Instructions & resideing in the Province is to take the administration upon him, in case of the death or absence of the Gov^{r}. As no such list is at this time to be found in the Province, it must have been thrown into confusion in case the Gov^{r} had suspended me. He seemed to be in such heat that none could say what he would not do. This Province was thrown into confusion on a similar occasion by a military Gentleman privately influenced which gave rise to violent parties which had but lately subsided. Besides this you know it is impossible for any man in a publick station to please every body. Many are desirous to fish in troubled waters. If an open breach should have happened between the Gov^{r} and me it would have encouraged Persons disposed to give me uneasiness in my administration, which at my age I am desirous by all means to avoid.

You may assure yourself that I have at no time given G[l] Monckton any occasion of offence either by word or action or of any neglect of respect besides what is mentioned above, & I think in that likewise I have given no just occasion.

Now Sir what I intreat of you is that if I can obtain releife by any alteration in the Instruction, as I have desired by my Letters to the Lords of Trade & Plantations & to M[r] Sect[ty] Pitt that I may have your friendly assistance in procuring this releif which I think justly due to me or any other releif which shall be thought proper.

If the subject of this Letter do not excuse my giving you this trouble I know not how to do it. I trust to your benevolence & the sincerity of my own heart in being with the highest esteem your affectionate Friend and Sir Y[r] &[c]

To His Excellency Josiah Hardy.

Fort George N. Y. Dec[r] 3[d] 1761

Sir

I have the honour of your Excellencys Letter of the 28[th] of last Month Please to accept of my congratulations on your safe arival & assuming the Government of New Jersey. May it be as happy to yourself, as it certainly will be to the people you govern. If in any shape I can be of use to you it will give me great pleasure in receiving your Commands to Sir Y[r] &[c]

To Sir Jeffrey Amherst.

New York Dec[r] 11[th] 1761

Sir

As I know not how to obtain the liberty of several of his Majestys subjects detained in Miserable Cap-

tivity by a tribe of Delaware Indians otherwise than by application to your Excellency, I give you the trouble of perusing the inclos'd papers: and I beg that you will please to take some method effectual to relieve those miserable objects of compassion. Several of them as I am informed lived in the neighbourhood of my house. M^{r} Hasbrouck one of the Representatives of the County of Ulster tells me that a Young Woman taken by them had no other way of relieving herself from the brutal lust of one of these Indians but by cutting her own throat. This tribe consists of a number of fugitives from this Province, New Jersey & Pensilvania, & are truely a Nest of barbarous Theifs & Robbers to be restrained only by fear. I am with the greatest truth Sir &^{c}

List of Papers sent with this Letter viz:

Copy Minutes of Proceedings of Cornelius Hoornbeek & others with some of the Delaware Indians at Kingston in Ulster County, Nov^{r} 16th 1761.

Copy of a Paper delivered to the L^{t} Gov^{r} by Coll. Haasbrouck giving some account of the Affair with the Indians at Kingston Nov^{r} 16th 1761.

Copy of the L^{t} Gov^{r} Letter to Cornelius Hoornbeck & others directing them to meet the Indians that come to renew Friendship with the Indians.

To Sir W^{m} Johnson Bart.

N. York, Dec^{r} 13th 1761.

Sir

Above is a Copy of a Letter which I received from D^{r} Barclay in answer to what you wrote me on the subject of the Lands which he has near the Mohawk Castle. As I make no doubt of the truth of the facts which he relates, I am in hopes his answer will be satisfactory to you. If anything farther be in my

power for promoting the Interest of Religion among the Indians it will give me great satisfaction to do it.

Some Delawar Indians living (if I mistake not) near Ohquaque, came to Kingston after they had promised the People there to bring & deliver up all his Majesty's subjects they had prisoners among them, which they have not done and still detain them under false excuses—As I have informed General Amherst of this Transaction I expect you will hear more particularly from him.

I have a letter from the Earl of Egremont of the 9th of Octr informing me of his being appointed Secretary of State for the Southern Department in the place of Mr Pitt who was retired with his Majesty's leave from business. My Lord Egremont informs me that this change will make no change in his Majesty's measures & that the war will be carried on vigorously. I am with great truth & regard Sir Your &c

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To Sir Wm Johnson

N. Y. Fort George Dec 27th 1761.

Dear Sir

Last Wednesday the soonest that I could after I had received yours relating to Clock and the Indian Lands at Conojohary, I laid it before the Council and it is refer'd to a Committee to consider what may be proper to be done. They all seemed satisfyed of the fraudulent practices in that affair, & desirous to do everything in their power for the relief of the injured Indians, but as your information was not accompanied with any affidavits on which a legal process can be founded they seemed to be at a loss in what manner to proceed. For which reason I think it may be proper for you to procure what affidavits you can of the frauds in the original Purchase of which I believe David Schuyler & his Sons if they or any of them be

willing can fully inform you and perhaps some others can. If this cannot be obtained, or even if it should it may be proper to have a formal complaint from the Indians in writing setting forth all the particulars of the fraud & the persons names concern'd in it.

As I really beleive the Indians have had great injury done them by these fraudulent proceedings, you may assure them of my doing every thing in my power for their releife.

We are now upon the conclusion of the Sessions of Assembly which take up both my time & the Councils. I suspect nothing can be done on what is now before them till after the Holy Days, and indeed that nothing can be effectually done till some affidavits can be procured & sent down However I shall not omit to press them to some resolution to give the Indians ease at least for a time.

The General at my desire has transmitted some papers to you relating to several Prisoners detained by a Tribe of fugitive Indians near Ohquague. These miserable people I doubt not will have your Compassionate regard. I am most Sincerely & heartily Sir &c

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To Majr Gl. Monckton.

New York, Jany 1st 1762.

Sir

Having this Opportunity by Captn Burnet, I do myself the Honour to inform your Excellency, that every thing in this Government is quiet; & I hope will remain so till your return that you may reenter on the administration with satisfaction to yourself. The Session of Assembly which began on your Excellency's call will end in a few days. The support of Government is granted as usual except a restraining clause in respect to the Judges which I think proper to leave to his Majesty's determination.

Before this can reach you, all our earnest wishes for your success, will be accomplished to your own honour as well as the glory of his Majesty's Arms which will give joy in a particular manner to all his Majesty's faithfull Subjects in this Province.

It will give me the greatest pleasure to receive your Excellency's Commands, that I may shew with what sincerity & faithfulness I am Sir Y^r &^c

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To the Hon^ble Will^m Smith Esq^r.

Fort George Jany 4^th 1762.

Sir

As you thought that a few hours would be sufficient to amend the Partition Bill as I proposed to have it done, I expected to have seen the amendments sometime on Saturday last that I might have time to consider them before any proceedings be made on it. As things now stand you know this is become necessary, & I hope you & the Persons interested in that Bill are sensible how willing I am to gratify you & them consistently with my Duty. I am with great regard Sir your &^c

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To the Right Hon^ble the Earl of Egremont.

New York Jan^y 4^th 1762.

My Lord

With pleasure I imbrace this first opportunity of obedience to your Lordships commands of the 9^th of October to address my letters to you by humbly entreating your Lordship to present to his Majesty the hearty & joyful congratulations of the Council and General Assembly of this Province jointly with myself on his Majesty's Nuptials which I now enclose.

No doubt your Lordship will be pleased with every

proofe of the Loyalty & fidelity of his Majesty's subjects however distant they be: I hope therefore I need not apologise for the trouble I give your Lordship on this occasion.

It shall be my constant endeavour to do my Duty that thereby I may merit the honour of being with great submission My Lord &c

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To the Kings most Excellent Majesty.

The Humble Address of the Lieutenant Governor, The Council and the General Assembly of the Colony of New York.

Most Gracious Soveraign

We your Majesty's Lieutenant Governor, the Council and the General Assembly for the Colony of New York, happy in an opportunity of testifying the Ardour and sincerity of our Loyalty & affection to the best of Kings, beg leave to join in the joyfull acclamations of your faithfull people, and to offer our most respectfull congratulations on your auspicious Nuptials.

Tho' placed at a distance from your most Sacred Presence we eminently share the distinguished Blessings of your Glorious Reign, and sensibly feel the influences of your wisdom & magnanimity in the exalted State of Honour & Grandeur to which your Kingdoms & Colonies are advanced.

It is our peculiar felicity to see subjected to your Dominion by a series of splendid victories, a perfidious rapacious neighbour, who long meditated our total extirpation; & we can never reflect on this interesting event, without being warm'd with the most lively and indelible sentiments of Love & gratitude to your Majesty, and our late most gracious Soveraign whose Paternal protection, so bountifully & gloriously exerted,

has with the Divine favour rescued us from impending Ruin and established us in triumphant security.

Nor are we less sensible of the diffusive Blessings derived to us from your Illustrious House in an equal participation of the Rights & Privileges of a free & happy people under a succession of Kings who have made it their glory and Delight to sway the Scepter agreeable to the wise and lenient frame of the Brittish Constitution, & to Reign in the Hearts of their subjects by makeing their welfare & Prosperity the Cheif object of Royal care.

Our Happiness and our Gratitude would only be increased by this recent proofe of your Majesty's attention to the Publick Wellfare in providing for its future Stability & security, by crowning with the lustre of your Diadem an amiable Princess graced with accomplishments worthy the affections of so august a Monarch and the most cordial Reverence & esteem of a Loyal People.

From this happy union with the highest satisfaction we contemplate the pleasing prospect of a Race of Princes who like your Majesty will bless and adorn your kingdoms and colonies to the latest ages; and we devoutly implore Divine goodness to perpetuate to your Majesty and your Royal Consort, in the most perfect & consummate Degree every Publick and domestic felicity.

May it please your Majesty to permit us to add our zealous assurances of the most inviolable attachment to your Majesty's Person, Family, and Government, & that it shall be our constant Endeavour to preserve & maintain that firm Spirit of Loyalty and Obedience which so happily & universally prevails in this your faithfull Colony.

CADWALLADER COLDEN.

By Order of the Council,

DAN^{L} HORSMANDEN, Speaker.

By Order of the Gen^{l} Assembly,

W. NICOLL, Speaker.

City of New York 29th December 1761.

To The Right Hon^ble The Lords Commissioners for Trade & Plantations.

New York Jan^y 11^th 1762.

My Lords

By my Letter of the 25^th of September last, I had the honour to inform your Lordships of my having refused my assent to a Bill to enact that the Judges Commissions be *dureing their good Beheaviour*, and I gave your Lordships my Reasons. Since which time in October last Benjamin Prat Esq^r arrived in this Province with his Majesty's Commands to me under the Signet and Sign Manual to make out a Commission for him under the seal of this Province, to be Cheif Justice *dureing his Majesty's pleasure*, & Mr. Prat's Residence in the Province which is accordingly done. This has freed me from the difficulties I was under by the other Judges refusing to act unless they have their Commissions *dureing good beheavior*, but at the same time it lays Mr. Prat under some difficulties, as he is a Stranger to the Practice in our Courts.

Notwithstanding that the Assembly knew the Tenor of Mr. Prat's Commission and his Majesty's Instruction that Commissions to the Judges be granted *dureing his Majesty's pleasure only*, they absolutely refused to grant any Sallary to the Chief Justice or to any of the Judges unless their Commissions be dureing their good beheaviour and their Sallary to be granted even in that case for one year only. They allow no amendments to be made by the Council to such Bills.

At this time likewise the Assembly sent up the same Bill to the Council to which I had twice refused my assent, viz. to make the Judges Commissions dureing good behaviour. The Council had a conference with the Assembly to perswade them to add a Clause to make the Judges Salaries of the same continuance with their Commissions but without effect. The Council therefore refused their concurrence at this time in pass-

ing the Bill. This obstinacy of the Assembly as to the Salary of the Judges seems to me an evident proofe of a formed design of undue influence.

I shall not repeat the Reasons in my Letter of the 25th of September, but beg leave to add some other ariseing from what has happened since. I sent a Message to the Assembly (a copy of which and the Answer is inclosed) shewing that the usual allowance for the Sallary of a Cheif Justice is insufficient to support a family with the least distinction. This is too well known to be denyed and their inclinations plainly appear in their answer to have no Cheif Justice unless he be a Gentleman of Estate in this Province and to discourage the appointing of any other. This fallacious Argument takes with the people tho' in my opinion not only the king but the Inhabitants likewise may more safely trust the Administration of Justice with a Stranger who has no private connections, than with an inhabitant who has numerous private connections & interests opposite to those of many other in the Colony. Sure I am Men of greater abilities may be found out of the Province than in it.

The Puisne Judges haveing declined to act and Mr. Prat being under a necessity to return to Boston by his want of salary they expect that the Governor to prevent a failure of Justice must be under a necessity in a short time of appointing a person in Mr. Prat's place who is ambitious of this office and on such terms as he likes. From what I know of particular persons, I am perswaded this is their principal view.

I must observe to your Lordships, that the yielding to this view may greatly affect the Administration in every part of it. Few people in this Province have any dependence on a Govr, but a Cheif Justice has an influence on every Man in it, because no man knows when he may have a dispute with his neighbour. If then a Cheif Justice for life with large family connections form a party to serve ambitious or interested views, the Governor must either become the tool of his

party, or live in perpetual contention. This is not a meer Hypothesis, we had not long since a glaring instance of it.

I know no method to prevent these Evils which I apprehend but by his Majesty's granting a Salary to his Cheif Justice out of his Quit rents of this Province, which I am well informed may be don without prejudice to any appointment on that fund already made. The doing of this without delay may prevent the Gov^{rs} being reduced to the Dilemma of either appointing in the manner an ambitious or interested man may desire, or of leaving the Province without a Court of Justice.

Mr. Prat has come to this place with the best Character as to his skill in the Law & integrity. He was at the top of his profession at Boston. He has left a beneficial Practice & now lives at the expence of his private Fortune, to shew his regard to the honour his Majesty has don him in appointing him Cheif Justice of this Province. A neglect of him must bear hard on him, & I beg leave to add may greatly affect the Kings authority in this Province, by the influence it may have on the Minds of the People.

I flatter myself that I need make no excuse for this trouble, as it proceeds from the sense I have of the Duty of My Lords &^{c}

To the Right Hon^{ble} the Earl of Egremont his Majesty's Principal Secretary of State for the Southern Department.

New York Jany 12th 1762.

My Lord

In October last I received his Majesty's Commands under his Signet and Sign Manual to appoint Benjamin Prat, Esq, Cheif Justice of this Province during his Majesty's pleasure which is accordingly don and M^{r} Prat has entered on the office.

Notwithstanding that the King's Commands are Ex-

press to hold the office during his Majesty's pleasure, & it is a standing Instruction to the Governor of this Province to grant Commissions to the Judges dureing his Majesties pleasure only, the Assembly absolutely refuse to grant any Salary to any of the Judges unless their Commissions be during good beheaviour. At the same time they refuse to grant any Salary, to have the same continuance with their Commissions, but to grant the salary for one year only, to be continued afterward at the pleasure of the Assembly annually, as the Salary of the Governor is, & of all the other officers of the Government are, that the sums allowed may be as the officer happens to be grateful to the Assembly or otherwise.

The Salary which the Assembly allowed the Cheif Justice for one year, on condition his commission be during good behaviour is so small as not to be sufficient to support a family above the rank of a common Tradesman, and they are at present resolved to grant no Salary sufficient to support a family with the least degree of distinction. The design is that no person may accept the office who has not otherwise a sufficient estate in this Province to support his family. This the Assembly has in Express words declared in their answer to a Message which I sent them on this subject. On the other hand, no man who has the least knowledge of the world, can imagine that any Gentleman will give that application which is necessary in the office of Cheif Justice, & be at the expence of going the Circuits without a proper support unless he has interested views. I am fully convinced such views at present exist in the attempt to make the Judges independent of the King, and at the same time to depend on an Assembly for their Daily support.

This undue influence may be to the prejudice of his Majesty's Rights in this Province and as to his Prerogative. It may likewise be injurious to every Inhabitant when he has a dispute in Law with a leading Man in the Assembly.

The Governor's granting the Judges Commissions during good behaviour without an Express order from the King may in effect deprive the King of the nomination of a Cheif Justice & I am confident this is likewise in view, for as the death of a Cheif Justice or his removal out of the Province cannot immediately be known to the King or to his Ministers, the Governor, without doubt will be strongly sollicited to appoint during good beheaviour, & the King will thereby be deprived of the Right of Nomination.

Besides these inconveniences from the Judges Commission being during good behaviour while they the Governor and all the officers of the Government depend on an assembly for their daily support; there is another inconvenience or rather mischeif which may greatly affect the whole administration. While a Gov^{r} depends on an Assembly for his daily support, he will naturally incline to oblidge those who have the greatest influence in an Assembly, by appointing such a Person to be Cheif Justice, especially while he is a stranger to the views which such a Person has, and perhaps depends on him for his advice. In this case the influence of a Cheif Justice must be incomparably greater than what that of a Gov^{r} can be, for few have any immediate dependence on a Gov^{r}, but every man in the Province is under the influence of a Cheif Justice, because no man can be assured that he may have no dispute in Law with his Neighbour. If such a Cheif Justice has likewise powerfull family connections the dangers from his influence must be still greater. The Gov^{r} may therefore in such case think himself under a necessity to comply with all the interested or ambitious views of such a Cheif Justice, & thereby become the tool of a Party or otherwise live in perpetual contention. This supposition is not merely imaginary, there has been a glaring instance of it in this Province.

For these reasons I am humbly of opinion that this dispute as to the appointment of a Cheif Justice & his Salary deserves the immediate attention of his

Majesty's ministers for otherwise the Gov^{r} may be reduced to a necessity of complying with these interested views, however opposite they be to his Majesty's Interest, and the true Interest of his subjects or otherwise leave the Province without Judges whereby a failure of justice must ensue in case of M^{r} Prat's death or of his leaving the Province. I am told the Puisne Judges will not act and I am perswaded the design is to bring me or my successor to this dilemma.

The only remedy to these great Evils so far as I conceive is by the Kings granting a Salary to the Cheif Justice out of his Quit rents of this Province which I am assured may be don without prejudice to any appointment already made. As M^{r} Prat is entirely free from all connections in this Province, the giving him a salary independent of the Assembly must certainly be of consequence to his Majesty's Rights in this Province, & of benefit to his Subjects in general in all matters of Justice. I must therefore beg leave to entreat that it be done without delay least I or my successor be brought under the dilemma which I have mentioned.

M^{r} Prat the present Cheif Justice was as I am well informed at the top of his profession in Boston, & of the greatest Reputation there both for his skill in the Law and his Integrity. He has left this beneficial business and now lives at the Expence of his private Fortune, that he may shew the Regard he has to the Honour the King has don him, by appointing him Cheif Justice of this Province.

I flatter myself that I need not make excuse for this long letter. The sense I have of my Duty in writing it gives me hopes that I may thereby Merit the Honour of Being My Lord Y^{r} &^{c}

To JOHN POWNALL ESQ^R SECRETARY TO THE BOARD OF TRADE.

New York, Jany 12^th 1762.

DEAR SIR

When I first heard of M^r Prats being appointed Cheif Justice of this Province, I concluded that it must be by your Brothers recommendation & consequently that he is a Man of sufficient ability. Since he came to this place I am fully satisfyed of this, & from the Character he has Established at Boston & all over New-England, I am perswaded he is in every respect a proper person for the office. His haveing no connection in this Province is a Principal Reason with me why he should be appointed preferably to any other in this place who make pretentions to the office, & yet it produces the opposite effect with others. They want a Cheif Justice with whom they have strong connections, & in order to obtain their end find pretences to refuse a salary to M^r Prat, as I have wrote to my Lords Commissioners.

As M^r Prat is your Brothers friend and now living with the loss of his Business & at the Expence of his Private Fortune I hope I may intreat you to inform me as soon as may be whether M^r Prat may probably expect a Salary out of the Quit rents of this Province. Such information will be of use both to him and me. The Quit rents certainly cannot be employed to a better purpose. It is proper this Salary be made payable in Sterling money, for the value of our Currency is fluctuating, at present £300 Sterling is worth about £560 of our Currency. I cannot conceive a sufficient Reason why the Cheif Justice of Nova Scotia & of Georgia have certain and fixed Salaries from the Crown and a Cheif Justice of so considerable a Province as this should be left in a manner to beg his bread of the people.

G^l Monckton was in a bad State of health when he

went from this place on the Expedition to the West Indies. It will give me great pleasure to hear of your Brother's health & prosperity, & more pleasure if we could have hopes of seeing him in this Place. I am with the greatest truth & regard, Sir, Y^r^

The three preceding Letters and that with the Address to the King were sent by the ship Bell Savage Capt^n^ Lewis, bound from hence to Bristol.

To the R^t^ Hon^ble^ the Lords of Trade & Plantations.

New York Jany 25^th^ 1762.

My Lords

The last which I had the honour to write to your Lordships was of the 14^th^ of this month by a ship to Bristol, a Duplicate of which is enclosed. In the last Sessions of the General Assembly begun the 24^th^ of November, and ending the 8^th^ of this month January I gave my assent to 17 Acts, a list of which is at the end of the Minutes of Assembly likewise inclosed.

The only Act of importance is the *Act for the more effectual Collecting of his Majesty's Quit rents in the Colony of New York, & for the Partition of Lands in order thereto.* The first part of this Act for collecting of the Quit Rents is the same with an Act formerly passed under the same Title which expired at this time by its own limitation and has been found of great use for that purpose. The second part of the Partition of Lands is new and on a different plan from the former. I found myself under great difficulties in giving my assent to it but both the Council and Assembly had it so much at heart that I found the refuseing of my assent would lay me under a load too heavy for me to bear *alone.* I hope to find some Excuse by my sending with this an exemplification of the Act under the Seal

of this Province by the first Packet after it was passed ; and so soon that in case his Majesty shall disallow of it, the disallowance may reach this place before the Act can in any one instance take effect by reason of the length of time requisite to give the previous notice and other previous steps necessary, before any partition can be made.

The arguments used for the Bill were that the Act is principally designed for the Partition of Lands which have lain long unimproved by reason of the Difficulties the Pattentees or their assigns are under in makeing partition among themselves and which according to the Common methods in the Law cannot be done without too great expence & very tedious proceedings.

It is certainly of prejudice to the Province that these Lands remain uncultivated ; and as the Act gives no Title nor can prejudice the Rights of the Crown nor of any other person other than the Pattentees or their Assigns it is said no equitable objection can be made to it.

However I must inform your Lordships that this Act is principally intended for the Partition of the Great Tracts of Land granted before the year 1708, paying trifling Quit Rents and in Relation to which by his Majesty's fifty first Instruction to Sir Charles Hardy, & 46th Instruction to General Monckton, the Governor is *directed & required to put in practice all methods whatsoever allowed by Law for breaking and annulling such exorbitant, irregular and unconditioned Grants, & in case of any difficulty's therein to report to the Commissioners of Trade & Plantations.* But as no one step has hitherto been taken for this purpose, it may seem unreasonable to prevent the improvement of the Country by settling of these Lands.

As these Grants do not mention the quantity of Land Granted & the boundaries in most of them if not in all are uncertain, and many other irregularities appear upon the face of them in breach of the trust which the King reposed in his Governor who granted them, it

may be probable that these grants are void in Law; yet any attempt to break them will lay a Governor of this Province under great difficulties by reason that the owners of these are generally of great Interest in the Province, & will certainly employ all the most popular artifices in such case in prejudice to the Governor which they can invent.

It is proper to inform your Lordships on this occasion that the Governor of this Province has not a single farthing allowed for any contingent expence, & therefore should he Order Prosecutions to annull any of these Grants, the expense must be out of his own Pockett. The Attorney Generals office for upwards of 30 years has been filled by Men of no Esteem as to their Skill in the Law. Formerly & I believe every where else when a gentleman came in the Office of Attorney General it gave such representation to his character that he was thereby introduced into a great share of Practice in Suits between private persons, but for some time past we find no Man intrusting his private affairs to the Person with whom the Kings Rights in this Province are intrusted.

This lays a Gov^{r} likewise often under difficulties when he cannot confide in the skill of the Person whom he ought to consult in all cases of Law.

It is proper to inform your Lordships farther that by reason of the uncertaintys in the description of the boundaries of these great Tracts, the Pattentees have extended their boundaries in many instances so as to take in a much greater quantity of Land, than was originally intended & thereby in several Instances disturb & disquiet possessors of Land granted since that time, & paying 2.6 for every Hundred acres. For this reason with some difficulty I got a clause added to this Bill whereby the outlines of every Tract are to be run by the King's Surveyor General of Lands before Partition be made. Tho' what the Surveyor General shall do be not made binding on the Parties, yet thereby the quantity of Land Granted will be discovered, & how

far they intrude on the Kings Lands by their Claims, in consequence of which Writs of Intrusion may be brought, or other legal process for ascertaining the true boundary. The doing of this will be attended with less Popular Clamour than will attend Prosecutions to break grants on account of any legal defects, for in the ignorance of the times bonafide grants may be very defective in form of Law. That your Lordships may perceive to what excess intrusions are in some cases carried from the different interpretation of the Words by which the boundaries are expressed. I enclose a Map [See page 172] by which such intrusion will appear, & which is discovered by a Dispute now depending before the Council, between Van Ranslaer & several other persons who have petitioned for a Grant of Lands within his Claim, but not within the true boundaries of his Grant. The question before the Council is whether it be proper for them to advise me to grant any Lands within his Claim to People who are willing to pay 2.6 for every hundred Acres & to Defend their Grant against any legal Claim of Van Ranslaer? The question still remains undetermined.

These are the principal things of which I think it my Duty to inform your Lordships in respect to this Act. Perhaps on reading it other objections may occur from its face, which I pass over as, the case taken in the Act to avoid all cognizance in the Kings Courts of the Proceedings from first to last.

In the last place, as the Pattentees of several large Tracts have already begun to give the Notices previously necessary to the Partition I humbly conceive that it may be for his Majesty's Interest & may prevent hardships & great inconveniencies to his Subjects to have the King's Pleasure with respect to this Act, known as soon as may be. I am with the greatest Submission My Lords &c

To the Lords Commissioners for Trade & Plantations.

New York Feb^{y} 11th 1762.

My Lords

I expected to have had an opportunity of sending my last of the 25th of the last Month about the time it was wrote, but haveing been disappointed it goes with this.

I am now to give the reasons for my Assent to the Bill For Paying the Officers Sallaries in the manner it is passed with a proviso that the Judges Sallaries be paid them on Condition of their Commissions being dureing good beheaviour. This was done in hopes I would refuse my Assent to it in this manner. The Gentlemen of the Council assured me that if this bill was sent back to the Assembly with any amendment we should never see it more, and therefore I recommended to them the passing it as it was. I thought it more eligible to suffer the Judges only to be without salaries than that they and all the other officers of Government be without any support.

The consequence of this has been that the Cheif Justice M^{r} Prat acts alone and serves the public at the expence of his private fortune. Your Lordships may therefore perceive the necessity of some speedy Resolution in answer to my Letter of the 11th of last Month. So long as the King does not provide for the support of the Cheif Justice independently of the Assembly the design of reduceing the Governor to the Dilemma of either leaving the Province without Judges or of appointing them during good beheaviour & dependent on an Assembly for their Support will continue. I must with humble submission beg leave to observe that the putting the Governor under restriction by Instruction will certainly in many cases lay the Governor under great difficulties, but may have no effect on an Assembly, & in such case they tend to lessen the Force

of Instructions in the Minds of the People. Haveing received the Kings Instructions to M^r^ Monckton by the Merchant Ships which arived about the 20th of last Month, M^r^ Prat took his Seat [at] the Council Board the 27th.

After I had wrote so far I received the honour of your Lordships letter of the 11^th^ of December with a Copy of your Lordships Representation to the King, & his Majesty's additional Instructions of the 9^th^ of December. As to that part of the Representation Relateing to the Judges Commissions I have anticipated an Answer by my Letter of the 11^th^ of last month. It gives me the greatest satisfaction that my conduct on this head is entirely conformable to your Lordships Sentiments and you may be assured shall continue such. As to the other part, relateing to the purchase of Lands from the Indians I must beg leave to say that I am at present entirely Ignorant of some facts therein set forth and as to others I am confident your Lordships have been misinformed. At this time it is impossible for me to make the proper enquiry into the facts which I do not know, or to give sufficient evidence of others which are within my knowledge; but I shall endeavour to set forth the whole in a clear light as soon as possible.

In my Letter of the 28^th^ of February last year I represented how his Majesty's Interest suffers by the Intrusions of the People of the Massachusetts Bay & New Hampshire. The restrictions now laid on the Gov^r^ of New York may give these people great advantages in continuing their Intrusions to the prejudice of the Kings Rights, and therefore I humbly conceive my Letter on that subject may deserve your Lordships Consideration. In this case you cannot be deceived by misinformation of Facts, the whole dispute depending on the construction of words in the Grant of this Province to the Duke of York, & of King Williams Grant of the Colony of Massachusetts Bay.

I have nothing more at heart than to convince your

Lordships by a punctual performance of my Duty, that I am with the greatest sincerity & Submission. My Lords &c

List of Papers put into a Box directed to the Rt Honble the Lords Commissioners for Trade & Plantations to be sent by the Packett which carries this Letter, viz.:

Minutes of Council respecting Government transactions from 9th of March to 16th December 1761.

Journal of the Proceedings of the Council in their Legislative Capacity from 10th March 1761. to 11th Septr 1761.

Journal of the Votes & Proceedings of the Assembly from May 1761 to Jany 1762.

Minutes of Council Transactions which relate to Private Persons from 3rd March 1755 to the 9th of Septr 1761.

Engrossed Copys of nine Acts of the General Assembly, eight passed in 1761 & one in 1762, viz.: the *Act the more effectual collecting his Majestys Quit Rents in the Colony of New York & for Partition of Lands in order thereto.*

Printed Copys of all the Acts passed in the Session ending in January 1762.

Lists of Persons naturalized.

To Mr Secretary Pownall

New York Feby 6th 1761.

Dear Sir

As I know that Mr Prat was recommended by your Brother to the office of Cheif Justice of this Province, I was confident of his abilities for the office and therefore did everything in my power to encourage him to take the office upon him. Now after an acquaintance of some time, my opinion of his merit is greatly increased. I am perswaded it will be greatly for the interest of the Crown, & of the People of this Province that he receive encouragement to continue. In my opinion this encouragement cannot in any manner be given so effectually to render him independent in his office as by his receiving his salary out of the Quit Rents, which are now sufficient for that purpose. I heartily wish that it may be done speedily that he may not be under the hardships of serving the Publick at the expence of his private fortune, & that he may remain with us which otherwise I am affraid he cannot do. It is not easy to conceive of what use such an Intelligent Man as Mr Prat is, may be to a Govr who desires to govern well.

Mr Hardy stay'd some days in this Place before he entered on his Government of the Jerseys. All who conversed with him in that time were surprised that One of the first steps he took was to appoint Mr Morris Cheif Justice during Good Beheaviour, & we all conclude that from that time he must submit to the direction of Mr Morris. This precedent is objected to me, & has greatly encouraged the Perseverance of a similar demand on me, and makes them confident that Mr Monckton on his return will comply with their desires of which I have reason to think they had some assurances. However that be my duty is to act for the Interest of the Crown & the benefit of the People of this Province to the best of my own Judgment, and I

hope to receive the approbation of his Majesty's Ministers in doing so.

There is something particularly hard on the Lieutenant Governor of this Province more than on any other. In the absence of the Governor in Cheif he has half the Sallary & half the Perquisites which amount to a bare subsistence in the manner that the better sort of families live in this Place without being able to save anything. While the Gov^{r} is in the Province the L^{t} Gov^{r} has not the least profit by his office. At Boston the Lt Gov. is of course Capt. of the Castle worth about £100 sterling a year, & the present Lieut. Gov^{r} has likewise the office of Probate of Wills and granting administrations worth about £200 more. This last office in this Province is in the Gov^{r} or Commander in Cheif, & acts by a clerk, whereby the Profits of a Gov^{r} are not considerable. As you have shewn yourself much my friend, I presume you will allow me to ask whether I may not hope to obtain this last office of the Probate of Wills and Lycenses of Marriage. Certainly it is intended that the L^{t} Gov. should at all times have an influence, & what influence can he have more than any other of the Council while the G^{r} in Cheif resides in this Province? Pray inform me what may be the proper method to apply in case you think I may have any hope of obtaining it.

It is a small matter I can add when I tell you that I am very desirous of serving you in any shape for I have little in my power unless it be by giving any information you may desire, which I shall chearfully do in whatever situation I be.

I am with great esteem & affection Sir Y^{r} &^{c}

To the Earl of Egremont Sec^ty of State

New York Feb^y 11^th 1762.

My Lord,

I have the honour of two Letters from your Lordship both dated the 12^th. of December: one containing a copy of his Majesty's free Pardon to Thomas Pearson the other his Majesty's Directions to raise the same number of Provincial troops that were levied last year in this Province.

I have already given the proper orders for the Assembly to meet on the Second day of March for that purpose which is the soonest they can be brought together at this Season considering the distance from this place at which many of them live. Your Lordship may be assured that I will do everything in my power to induce the Assembly to a compliance with the King's requisition in every respect, but as I met with many difficulties last year in obtaining a full compliance, & did actually levy 500 men more than the Assembly expected I could have done, I am afraid I may meet with more difficulties at this time.

I think it requisite your Lordship be timely informed of this least any failure should happen in what is expected from this Province.

It shall be my continued endeavour by a strict adherence to my Duty, to deserve your Lordships patronage and the Honour of being My Lord &^c

The 4 preceding Letters and Duplicates of those by the Bell Savage Capt Lewis were sent by the Hallifax Packet, Capt. Jeffers who sailed out of the Hook Sunday Feby 14^th.

To the Mayor of the City of New York.

New York Feb^{y} 17, 1762

Sir

The Sheriff haveing represented that there is reason from some circumstances to apprehend an attempt may be made to rescue the Criminals appointed for execution on Friday next: I intend to order the Independent Company of Granadiers Commanded by the Right Hon^{ble} the Earl of Sterling under arms on that Day to guard against any such attempt, & to protect the Sheriff and other Civil officers from Insult or obstruction in this essential part of their Duty. But as it may be improper for the Military officer to act in the suppression of any Riot unless by the direction of the civil Magistrate on the Spot, you will immeadiately convene the Magistrates of the City and in conjunction with them agree & fix on one or more of that body to attend on this occasion, informing me as soon as may be of what you shall have done herein, that I may give my orders to the Military officer accordingly. I am Sir &^{c}.

Proclamation.

By the Hon^{ble} Cadwallader Colden his Majesty's Lieut Gov^{r} and Commander in Cheif of the Province of New York, and the Territories thereon depending in America.

The Sheriff of the City and County of New York having informed me of some circumstances from whence an attempt may be apprehended to rescue the two Criminals appointed for Execution on Friday next you are to order the Company under your command on that Day to appear arm'd and with their proper ammunition and accoutrements at such place near the New Goal of this City as you shall judge most convenient

to guard against any attempt to rescue the said Criminals and to protect the Sheriff and his officers from any insults or obstruction during this essential part of their Duty, Haveing the strictest Regard herein to such orders as you shall receive from the Civil Magistrate attending for the Conservation of the Peace.

Given under my Hand at Fort George in New York this Eighteenth Day of February 1762

CADWALLADER COLDEN.

To the Right Honble the Earl of Stirling or the Commanding Officer of the Independent Company of Granadiers in the City of New York.

The same order was sent Directed to Capt John Provoost Esq^{r} or the Commanding Officer of his Independent Company in the City of New York.

To D^{R} ROBERT WHYTE PROFESSOR OF MEDICINE IN THE UNIVERSITY OF EDINBURGH

New York Feb^{ry} 25th 1762

DEAR SIR

Ever since I had the pleasure of your last favour (I am ashamed to tell how long since) I had resolved to set aside some hours to answer it in a manner that might be agreeable to you, & to send my Letters by way of Glasgow, but since that time I have not heard of any vessell from this to that place. I should have wrote by way of London, but the Multiplicity of Government affairs some times prevented me & at other times made me forget.

You may remember that I informed you of my haveing received & corrected the *Principles of Action in Matter*, that I have done some parts entirely anew, and added on the same principles explications of the Phenomena of Light, of the Elasticity of the Air, and of

the Cohesion of the parts of bodies, to which my son has since added an explication of the Phenomena of Electricity from the same Principles. These papers have been several years in London, and were submitted by Mr Collinson in whose hands they are to Dr Bevis. I have the mortification to tell you that I never could obtain any distinct answer, and for that reason I conclude they are despised. However that be a man is not easily put out of conceit of his own performances.

Tho' the subject of these papers has, for several years, from my thoughts with any degree of attention, yet whenever these Principles occur to my Memory, they return with the same force of evidence notwithstanding any objection which has been made known to me, and I continue perswaded they will stand the test of the strictest inquiry. I do not extend this confidence to the application I make of these principles, to every case which I attempt to explain. The best reasoners sometimes fall into paralogisms even in pure Mathematics & much oftener in the mathematical Sciences I am too sensible that I have often erred.

Notwithstanding that I expect to be soon freed from the affairs of Government yet I am so far advanced in years that I cannot apply my thoughts with that attention which is requisite in speculations of this kind without injury to my Health. For this Reason I have resolved to direct Mr Collinson to send my Papers in his hands to you, if you are willing to take the trouble to peruse them, & will please to signify to him that you are willing. My design is that they may take their fate from you, either to dye in obscurity, or to appear in the world in such manner or shape as you shall think proper. National prejudices as well as Personal often prevail in many points of Philosophy. Perhaps the Principles which I adopt may be more favourably received in Scotland than in England.

You'll pardon the fondness which a man naturally has for his own productions when I desire of you, in

case you do not think these papers proper to appear in publick that you will please to deposite them in the Library of the University of Edinburgh where I had my Education in the Rudiments of Science for I am perswaded they will some time or other be found to contain the true Principles of Physical Knowledge & to be of real use.

We have no knowledge of Substances or of things themselves, as little knowledge of Material Substances as of the Intelligent or of Spirit. All our knowledge consists in this that from the effects or phenomena we discover something which we call substances have the power of produceing certain effects. We have no other conception of these powers but that they produce such effects. How they produce these effects we in no manner conceive. I am confident that with a proper attention this will appear very evident to you. Yet all the objections to my principles which I have seen, arise from an expectation that I should explain in what manner the primary powers produce their effects, without considering that this may be beyond the power of human conception. When the several powers are in any case complicated, we explain the Phenomena arising from this complication by shewing from what primary powers they arise, & in what ratio to each other the powers are complicated whereby they evidently produce such certain phenomena. This is called a Mathematical Explication but no man was ever able to explain in what manner any one primary power acts or produces its effects.

From the power in Matter of resisting any change, it is generally confess'd that Matter has such a power, but how it produces these effects which are commonly called Resistance we in no manner know or can conceive. From Lights being in perpetual motion, & that it cannot be conceived as Light supposeing it to be at rest, I conclude that motion is essential to it: & from innumerable phenomena or effects I conclude that it likewise gives motion to bodies, but how it moves itself,

or gives motion to bodies I know not. From the Phenomena of universal Gravitation & of the mutual apparent attraction of bodies, I conclude there is a being universally diffused, which has the power of reacting the actions of the Resisting & moving powers, but I cannot conceive the manner of its reacting. I have the same reason to be assured of the existence of something which has this power of reacting as I have of the existence of matter & of Light, viz: from the effects which they produce, for if they produce no effects, I can by no means know that they exist.

From the evident effects of wisdom or from a chain of effects all tending to the same purpose or end I conclude that an intelligent being exists, but I cannot allow that Intelligence can give motion or resist motion: for in that case I must with Dr Berkley deny that any other being exists, for on such supposition they become useless. I conceive that Intelligence may give a certain direction when the direction of the action of these powers is determined by their power—for example—Suppose a Planet at such a distance from the Sun, that its gravitation is equal to the motion given it from the Sun. In this case that both powers may have their effects, the Planet can only move in a plane perpendicular to the line connecting the Sun & Planet, but the direction in this plane is indetermined by the opposite powers, and is determined by the Intelligent Power always acting to one end and purpose. The existence of the Sun or of Light is necessary that the Planet receive motion, and the existence at the same time of an opposite power of equal force is necessary to make the Planet move in a plane perpendicular to the line connecting the Sun & Planet, & to give a peculiar determination in that plane, a third power becomes necessary whose action when it always tends to a certain view or purpose must be intelligent. The Intelligent power never opposes the material or other powers; but the material are necessary to the Intelligent in produceing a certain effect for a certain purpose.

These are the general Principles of my System, & from them you may judge how far it may deserve your attention & may assist you in more readily conceiving my intention while you peruse it. My design is to discover the primary powers in nature & the Laws to be observed in their acting. How far I have succeeded I leave to your Judgment. You will find that I have not been superficial in my researches.

I have heard that they have a fine set of astronomical Instruments at Glasgow, I shall be well pleased if you think proper that my astronomical tables be sent for proofe of their accuracy & use. You'l [notice] a perticular thought of the variation in the motion of a Pendulum Clock according to the different position of the Moon in respect to the place of the Clock on the Principles of the theory of the sides. I wish the truth of this were tryed by observation. Perhaps this variation is so small as not to be distinguished but by the most accurate observation of the transits as proposed in my papers.

If what I propose be agreeable to you, please to inform M^r^ Collinson of it to whom I now write that he may send my papers to you, or to deliver them to any person you shall direct to receive them after he shall know your pleasure therein I suppose you know that M^r^ Collinson is F. R. S. & very usefull in assisting a correspondence between Men of all sorts of Learning. Directed to M^r^ Peter Collinson Merchant in London is sufficient for a Letter. If any take the trouble to wait on him from you, it may be proper to tell you that he is a wholesale Mercer at the Red Lion in Grace Church Street, & a very punctual Honest Man in business.

I know not how to excuse this trouble I give you, but by the confidence I hereby place in you. It is like intrusting a child to your sole care of whom a father is very fond & which I hope from your inclinations to promote usefull knowledge you will take in good part. I expect that in a few months I shall return to my former retirement & thence I hope to convince you &

your friends how desirous I am to answer your expectations from me. I am with the greatest esteem & regard Sir

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To Mr Cheif Justice Prat at New York.

Fort George March 7th 1762.

Sir

I am sorry you have so much occasion to write to the Speaker in the manner you propose; but I must desire you not to send your Letter 'till after the Assembly have come to their Resolutions in respect to the Matters I have laid before them. You mistake in saying that *all* the Judges have *peremptorily* refused to act because Mr Jones has desired time to consider.

Your staying till after the April Term will certainly add to your Reputation whatever the Assembly do or not do in respect to the Judges Salaries. In case no Judge will act I cannot consent to your leaving the Province. This is an Event which I did not foresee. You may assure yourself that nothing in my power shall be omitted to make your stay agreeable to yourself, & that I am with great sincerity & esteem Sir,

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To His Excelly. Sir Jeffrey Amherst.

Saturday Evening March 13th 1762.

Sir,

Inclosed are copys of the Resolves of the Assembly which I shewed to your Excellency last Thursday & a copy of their Resolves of this Day which I received this afternoon.

Last night I was informed of the methods taken to bring them to their last Resolves & considering the difficulties which attended their Deliberations on this

last head, I think it proper to accept of them in any shape by which his Majesty's service may be promoted. Please let me know your sentiments thereon. I am with the greatest respect Sir

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NOTES ON A MAP REFERR'D TO IN THE LETTER TO THE LORDS COMMISSIONERS FOR TRADE & PLANTATIONS. DATED 25TH JANY 1762. *Page* [158.]

From B to C nine miles and three Quarters.

C Two heaps of stones called *Wawanaquiasack*— Erected by the Indians in Memory of two of their Sachems buried at that place.

From B to D Twenty four Miles.

From G to F. the South bounds of the Mannor of Ranslaerwick twenty four miles. The Tract coloured Green supposed to have been intended to be Granted to Killian Van Ranslaer and Killian the Son of Jeremiah Van Ranslaer by Letters Pattent bearing date the 20th May 1704. The said Tract being described in both the said Letters Pattent in the following words (after describing the boundaries of the Mannor of Renslaerwick) viz—As also a certain tract of Land situate lyeing and being on the East side of Hudsons River Beginning at a Creek by Major Abraham Staats and so along the said River Southward to the South side of Vastrix Island by a Creek called Waghanhasigh stretching from thence with an Easterly Line into the Woods Twenty four English Miles to a place called Wawanaquiasick and from thence northward to the head of the said Creek by Major Abraham Staats as aforesaid.

N.B. Neither of the said Grants mention what quantity of acres the said Tract should contain.

The Tract contains 23,800 Acres.

John Van Ranslaer now claims by Virtue of the

said Grants the Tracts bounded by the Lines B D E and Kinderhook Creek containing 281,600 Acres.

The Creek by Major Abraham Staats, Vastrix Island, Wahankasigh, Wawanaquiasick are places all of them well known & have been known ever since the time of the Grant. But the distance between Hudsons River & Wawanaquiasick is only nine Miles & three quarters, no place is to be found at 24 Miles from Hudson's River known by that name. As the Grant of this Tract is founded on a purchase of the same Lands from the Indians, & as they were entirely ignorant of the determination of English measures they could have no regard to the distance otherwise than to the situation of the Place which terminates the distance.

Query? Whether the terminations of a Line being certain, any Error in describing the length of it, whether it be supposed greater or less can alter the termination.

Is not the head of a Creek at the place to which the tide flows? Which in the present case is at Major Abraham's lower Falls. The Tide can flow no higher.

But Van Ranslaer would take the Head of the Creek to be the first rise of the River which terminates in the Creek. The head in this sense where a River divides into many Branches as this does, must be very uncertain, & by going to the head as he pretends the Tract has no boundary by the Pattent to the Northward so as to include any quantity of Land.

By bounding the Tract by well known names it is well described in the Pattent & has certain boundaries so as to include a certain quantity.

To Sir Jeffrey Amherst, &c.

New York March 20th 1762.

Sir

I have this Day given my assent to the Bill for raising the Provincials, & to the Bill for paying £4790 to

your Excellency which you saw last night. I am now giving orders for printing the Warrants for enlisting the Provincials in the pay of this Province in the manner formerly done. Please to let me know whether any thing is to be done by me at the same time for recruiting the Regulars. Nothing shall be omitted which is in my power for that purpose, & I wait for your Excellency's Directions. I am with the greatest respect, Sir.

COPY OF A LETTER FROM M^R CHEIF JUSTICE PRAT TO THE HON^BLE WILLIAM NICOLL ESQ^R SPEAKER OF THE GENERAL ASSEMBLY.

New York March 15^th 1762

SIR,

I presume it is well known to you and every member of the Assembly, That all the Justices of the Supreme Court except myself have either resigned their Commissions or refused to officiate. That in *reality* there are no Salaries granted to the Judges of that Court; and consequently that the people of this Colony can have no *reasonable* Expectation that any Gentleman not instigated by sinister motives & qualified for such trust will accept any Commission for that Purpose.

Neither you Sir nor any other Gentleman acquainted with the nature and value of the essential Rights and security of the People can be insensible of the Great mischeifs & dangerous consequences of being without a Supreme Court of Justice.

To obviate these Evils, I have *alone* sacrificed my time & interest to preserve the existence of that Court.

But it now becomes indispensably necessary for me to go to Boston and be absent from this Colony, until the situation of my affairs can permit me to return, which cannot possibly be in a short time. As the Assembly are now sitting I think it my Duty to give Notice of this, that you may see how necessary it is

that some provision be made for some *other* Judge or Judges of that Court.

Be so good as to communicate *this* to such members, & in such manner as you shall think proper.

I have nothing further to add but only that whatever hereafter may be the Event, I shall have the satisfaction of haveing done my Duty, and I hope that you will do me the honour & Justice to admit that no ill consequences, that may perhaps happen, in this Respect, can be Imputable to your Humble Servant

B. Prat.

Copy of a Letter from The Speaker of the Assembly to the Hon^ble^ Benjamin Prat Esq^r^ Cheif Justice of the Supreme Court of the Colony of New York.

Sir

Your letter of the 15^th^ Instant I received yesterday. It is well known to the Members of the General Assembly that all the Justices of the Supreme Court except yourself have resigned or are about to resign their Commissions & the cause of such Resignation is as well known, but from whence that cause has proceeded is not so well known, & here not proper for me to enquire into.

I can't but think there are handsome Sallaries granted to all the Judges of the Supreme Court & granted in such a manner that the Colony can have a right to expect that Gentlemen not instigated by sinister motives and qualified for such a Trust may accept Commissions for that purpose.

The Members of the General Assembly seem very sensible of the value of the essential Rights & security of the People, the concern for which has occasioned their granting the Judges Sallaries in the manner they have, and of the great mischeif and dangerous consequences of being without a Supreme Court of Justice,

but as it is not in their power to appoint Judges they think themselves not justly chargeable for any mischievous Consequences for want thereof.

I have communicated your Letter to several Gentlemen of the General Assembly who seem to be of opinion to make Provision for the Judges Salaries in no other manner than they have, except better Reasons be offered than they have yet had.

As I have never had any Impeachment of your honour or Justice, or any imputation to you of Ill consequence attending such an event as you mention I shall leave you in the entire satisfaction of haveing done your Duty which upon Reflection I believe will be very great to you. I am with Sincerity Sir Your humble Servant

W. Nicoll

New York 16 March 1762

N.B. Delivered to M^r Prat the 22nd.

To the Right Hon^ble the Lords Commissioners for Trade & Plantations.

New York, March 1^st 1762.

My Lords

The Packet went so soon after I had the honour of your Lordships of the 11^th of December that I could not answer it then as it is my duty to do now. When I entered on the administration of Government, tho' it was by a casual event I received it as a trust which I was carefully to perform. I was in hopes that my conduct would have evinced this to your Lordships. Had I not been scrupulous in observing this trust in regard to the Crown, my administration would have been more popular & much more beneficial to myself, but I apprehend whatever I may say to this purpose & however justly it may not have its proper weight

until I shall have removed some prejudices which I perceive you entertain to my disadvantage.

In your Lordships Representation to the King you say that you have reason to apprehend from information which may be depended on that the Lieut. Governor & Councill of New York have entered into measures for makeing fresh Grants & Settlements more for the benefit of themselves & families than for the subjects in general. As to myself I solemnly declare to your Lordships that I am in no shape interested in any Purchase of Lands from the Indians, or in any License to Purchase, or in any Grant of Lands, in any share or part either great or small, or by any person in trust for me at any time since the administration of Government has been in my hands. Nor have I had so much as an inclination to be interested in any Purchase of the Indians, or Grant of Lands whatsoever. This is all the answer that can be given to a general accusation. If the person who has informed your Lordships will give any one Instance wherein I am interested in any Purchase from the Indians, or License to Purchase or in any Grant of Lands in any shape whatsoever, I engage to make that particular clear by all the Evidence that can in such case be given.

As to my family, I must observe to your Lordships that my children have been grown up to the State of Men & Women for some years past. Some of them have children of full age of Maturity. They are not under my direction, & I know no reason to debar them from any priviledge or benefit which his Majesty's other subjects in this Province have; but at the same time I declare that I do not know that any of them have been interested in the Purchase of Lands from the Indians since I have had the administration of government. That my whole conduct in this affair, wherein I have the great misfortune to incur your Lordships censure may more clearly appear to you I shall give a succinct account of my proceedings therein.

In the beginning of Sept^{r}, 1760, about four weeks

after I had entered on the Administration, I received a Letter from General Amherst Dated *River St. Laurence below the Isle Royal 26th of August*, 1760, wherein after a particular account of the Success of his Majesty's forces under his Command he informed me that thereby the Settlements & Inhabitants on the Mohawks River were perfectly secured, & desired me to issue a Proclamation to invite the People to improve the Lands already settled & to cultivate the uncleared Country which by the Advice of Council, I did accordingly.

All Canada having soon after submitted the people thought themselves safe from both French & Indians, and the Inhabitants every where returned to their habitations. In the Spring following numbers gave in Petitions for Lycenses to Purchase Lands of the Indians on the Frontiers, among which were the Provincial Officers of this Province in behalf of themselves & of several of their Men, who had served in conjunction with his Majesty's Regular Troops, Major Rogers in behalf of himself, his officers & several of his Men. Several others likewise Inhabitants of this & of the neighboring Colonies received at Different times in the Year 1761, Licenses to Purchase Lands on the frontiers from the Indians.

As it is necessary to call the whole tribe or nation of Indians together in order to purchase any Land from them & to have several conferences with them at different times, this is attended with so great an Expence that it became necessary for numbers to join together, in order to purchase a large Tract at one time. And as the Persons willing to settle & improve Lands in the woods on the Frontiers at a great distance from the Market, are of the poorest of the Inhabitants they were desirous to join with Men of Fortune who on certain considerations agreed on, were willing to advance money for them to enable them to settle to build houses & to purchase other necessaries for improveing the Lands, & to support them 'till such time as they may be able to support their families by their own labour

which they cannot do in less than three years after they have begun to improve. Of these Gentlemen who thus undertook the charge of makeing settlements only two, so far as I know, were of the Council, & they offer'd to give any security to have the Settlements made pursuant to the Kings Instructions.

Soon after that two or three only of these Licenses had issued, Sir William Johnson inform'd by Letter that the Mohawk Indians had by Deed of Gift conveyed to him a Tract of about 40,000 acres of Land, & desired me to grant him Letters Pattent for the same. This I communicated to the Council, who refused their consent to any such Grant as it was contrary to the Established Rules to grant any Lands which are purchas'd of the Indians without previous License, that under the pretence of a Deed of Gift all these Rules may be evaded. After the Council had refused to confirm this Deed of Gift by the Kings Grant, the Indians refused to sell any Lands which from that time put a stop to all Indian Purchases. Only two Tracts were Purchased by any License from me, one a large tract of 20,000 acres for which no Grant has as yet been made out, & the other a small one of acres, & was granted by Letters Pattent before I received his Majesty's additional Instructions. By this your Lordships may perceive on what slender grounds the information was founded which you have received.

On this occasion I think it proper to inform your Lordships of the method followed in this Province in the Purchase of Lands from the Indians, & of the reasons why this method has been strictly pursued ever since the year 1736, since which time I have not heard of any fraudulent purchase, or of any complaint of that sort.

In the year 1736, I went to the Mohawks Country in the Execution of my office of Surveyor General of Lands, and had several conferences with some of the most distinguished Indians. They talked often & had

long discourses with me, & with much vehemence of some cheat as to their Lands, but as I was obliged to make use of Interpreters, I suspected that they had not fairly interpreted what the Indians spoke to me, & I found the Indians had the same suspicions for they several times by signs expressed their earnest wish that we could understand each other. All that I could learn with any certainty was that some persons had fraudulently obtained a conveyance from them of the very lands on which they live and Plant but the particulars by whom or in what manner I could not learn by the unwillingness as I suppose of the Interpreters to have the fraud discovered.

On my return I gave in a Memorial to the Governor in Council representing the frauds in Purchasing Lands of the Indians so far as I knew them in this Province. In consequence of which Regulations were made to prevent frauds in purchasing lands of the Indians, copies of which are enclosed & have been ever since truly pursued & no complaint since that time as to purchases made afterward So far is it from being true that this was the occasion of the War with them. Nor did I ever hear that the Six Nations had taken up the Hatchett against this Province, tho' at the same time it may be true that several of their young Men were perswaded by the French to join their Scalping Parties, but as I understand they were disowned by their own Nation. Only the Mohawks & Oneydas could have any Pretence that they were cheated of their Lands, for not a foot of Land had at any time been purchased from any of the other Nations, & yet the Mohawks certainly have continued the most faithfull of any Indian Nation on the Continent. The Senecas have given the greatest grounds of suspicion, but they live the remotest of any of the six Nations from any Settlements of his Majesty's Subjects, so far off, that it is probable, never any attempt has been made to Purchase Lands of them. The Indians who made inroad on this Province on the side of the River Delawar, consist of a

number of fugitives from all the other nations, & will at all times be ready to plunder when not restrained by fear.

If it be allowed to judge from Events, M^r^ Braddock's defeat gave rise to the War with savages who delight in Plunder & Bloodshed, & the takeing of Quebec & Oniagara put an end to it, & the conquest of Canada has secured tranquility to the Provinces in futurity. Nothing with regard to Lands had the least share either as to Peace or War between the Indians & the Inhabitants of this Province. How it may have been in any other Colony I do not pretend to say.

With respect to the Mohawks I must beg leave farther to inform your Lordships that the Mohawks River has been settled above 30 years, farther up the River than the Lands claimed by the Mohawks extends, that is now as well improved & as fully settled as any part of this Province. The Mohawks consist of two villages where they plant corn, these villages are surrounded on all sides by the settlements of the British Subjects, only at some distance from the River are there any vacant Lands. I never heard that any Indian had been interrupted in his hunting any where and from my own knowledge I can say they have had free liberty to hunt wherever they pleased even within our improved Lands.

On the whole I must beg leave to say that your Lordships have been entirely misinformed, in respect to the purchase of Lands from the Indians & of the grants of Lands in this Province since I have had the administration by some Persons either ignorant and biassed by some prejudice or moved by interested views.

I am of opinion my Lords that you may be well informed of everything relating to the Indians from the accounts which I doubt not Sir Jeffrey Amherst has sent to his Majesty's Ministers. He has had better opportunity's to be well inform'd than any other can have & has taken great pains to be so. He has no connections in this Country to bias him, & therefore his Acc^ts^ may with the greatest certainty be depended on.

If I mistake in any thing his accounts will rectify the error.

Before I conclude it may be proper to inform your Lordships, that a few Months since Sir William Johnson informed me of a Person who had given uneasiness to the Mohawks by making some claim to the Lands before mentioned which I suppose to have been fraudulently Purchased and that Person was ordered to be Prosecuted before I received the Honour of your Lordships letter of the 11th of December. This is the only complaint from the Indians which is come to my knowledge.

I flattered myself that my zeal for his Majesty's service & interest in the Province has been well known on several occasions to your Lordships predecessors in office, & that this was their motive in recommending me to be appointed Lt. Gov. & with hopes that I had not by my conduct since the administration has been in my hands given any occasion to lessen any good opinion that had been entertained of me. With these flattering hopes I once thought of giving my Sentiments of the most proper method for settling the uncultivated Lands in this Province, so as it might be done with the greatest benefit to the King & his subjects, but now I dare not offer anything from myself, till I shall have the happiness to know that I stand fair in your Lordships opinion. In the meanwhile I shall faithfully observe his Majesty's Commands, & endeavour by my Conduct to convince your Lordships that I am with sincere zeal & Submission My Lords &c

Memdm of Papers inclosed with this letter.

26th August 1760. Extract of a Letter from Gl. Amherst to the Honble Cad. Colden, Esq.

Draft of Lycence to Purchase Lands of the Indians.

Minute of the Council on the Report of a Commit-

tee respecting the Regulations proper to be pursued in the purchasing of Lands of the Indians. 2nd Dec. 1736.

Mr Colden's Memorial about fraud in making Indian Purchases & proposing Remedys to prevent it.

Copy Proclamation inviting the Inhabitants to return to their settlements on the Mohawk River & to encourage farther Settlements there—4th Septr. 1760.

Copy Proclamation to encourage the Settlement of the Lands between Fort Edward & Lake George.

Proclamation to prevent Purchasing Lands of the Indians, upon the late Instruction.

This Letter went by the Gl Wall, Capt Eyers, sailed April 8, 1762.

To Major General Monckton at Martinique.

New York March 30th 1762.

Sir,

Last Saturday night I had the honour of your Excellencys Letter of the 14th of last Month. The entire conquest of Martinique in so short a time gives the greatest joy to every one in this place as this signal success adds great glory to his Majesty's Arms, and gains well merited honour to yourself.

By the last Packett I received an additional Instruction to your Excellency dated the 9th of December last, by which you, the Lt Govr or Commander in cheif are prohibited under penalty of being removed to grant any commission to any Judge on any pretence whatsoever otherwise than *during his Majesty's Pleasure*, since which time Mr Horsmanden & Mr Jones have agreed to receive Commissions during pleasure. Mr Chambers had before this, and still continues to decline

acting on any terms by reason of his age & infirmities. I flatter myself that my conduct in this affair, & in some other instances will be conducive to your Excellencys ease in the Administration for the future.

On the 17th of January I met with the heavy affliction of my wife's death, and since that two of my daughters have been dangerously ill. This has made the administration more uneasy to me under a multiplicity of unusual business. I am now raising the same number of Provincials that were raised last year & at the same time Recruits for the Regulars.

The honour of your Excellency's Commands, in any thing wherein I can be of use to you will give the greatest pleasure to Sir Y^{r} &^{c}

To Sir Jeffrey Amherst at New York.

New York March 31 1762.

Sir

M^{r} Walton has this day applied to me to permit a Vessel to be cleared from the Custom House, on which he has loaded Provisions for the Spanish Garrison of S^{t} Augustine, & produced the late Kings Lycence for that purpose. He insisted that we have no notice by authority of war with Spain, & that supposeing war was declared Trade with the Spanish Colonies for Provisions or other Goods not contraband had never been prohibited, but on the contrary incouraged by the Government as nothing but cash is imported from thence. To this I answered that the formal Declaration of War in this place is of no consequence, while every man is morally ascertained that war has been declared both by England & Spain, & that it may be highly imprudent at this time to supply an Enemy's Garrison with Provisions. I find M^{r} Walton is very uneasy by the danger he is in of losing 150,000 Dollars at this time due to the Walton family, the greatest

part of which he expects to receive on the arrival of this Vessel at S^{t} Augustine which will compleat a six Month's Contract.

As the loss of this Specie may be in some measure a loss to the Publick, as well as a heavy loss to the Walton family, and as the quantity of provisions the Vessell at this time carries is small I would incline to permit him provided your Excellency be of opinion that his Majesty's service will not be prejudiced thereby. I shall be entirely directed by your opinion and advice. I enclose some Papers relative to the matter for your better information some of which being from the Secretary's office I must beg the favour of your returning to me. I am with the greatest respect, Sir.

To Sir W^{m} Johnson.

Fort George, New York April 5. 1762.

Dear Sir,

Soon after I received your last favour I communicated it to the Council. I have now forgot the date of it. George Clock appeared before the Council last Wednesday and again on Fryday. Next Wednesday he is to be heard again by Council in the Law. We shall do everything in our power for satisfaction to the Indians, but you know the forms in Law cannot be dispensed with & for that reason it is not possible to give that dispatch which the Indians may expect.

I am at a loss as to the powers in your Commission of Superintendant, as it is not of record, and there is not the least mention of it in the Kings Instructions; but on the contrary the powers & directions to the Gov^{r} to convene & treat with the Indians the same as formerly.

You will have all the News in the News Papers with his Majesty's declaration of War against the King of

Spain which was published with solemnity in this place last Saturday.

I shall inform you of the advice of Council as soon as they shall come to any resolution with respect to Clock. It was thought proper for you to qualify as a Justice of Peace in order to enable you to preserve the Peace more effectually. I am with great esteem & regard Sir,

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To the Right Hon^ble The Lords Commissioners for Trade & Plantations, &^c.

New York, April 7^th, 1762.

My Lords,

In obeydience to his Majesty's commands, by my Lord Egremont's Letter of the 12th of December, I met the Assembly of this Province the third of last month, & laid before them the matters I had in command, in the words enter'd in the Printed votes of the Assembly inclos'd. In what manner the Assembly received it appears by their Address to me of the 8th and their Resolutions of the 11^th & 13th of their Printed Votes.

They have reduc'd the bounty to encourage Voluntiers to Inlist one third of what it was last year; but it is as large as in any of the neighbouring Colonies. Last year I was not able to raise the compleat number, by a bounty one half larger than this of the present year; but I raised 500 men more than the Assembly expected I could have done. I am affraid I shall not have the like success this year with a less bounty, because the price of labour is much higher in this Province than in any of the neighbouring Colonies.

Your Lordships may perceive by their Resolves of the 13^th that they are strongly averse to Recruiting the Regulars. This arises from a jealousy, artfully infus'd into their Minds that some Regular Troops may hereafter remain in the Colonies, in times of Peace, and

that if they at this time make a precedent it may be expected that they shall at all times hereafter be obliged to recruit the Regulars remaining in North America.

It is my Duty to inform your Lordships from what source the opposition to his Majesty's measures arises in this Province, and the attempts to make me uneasy in my administration only on account of my firm adherence to his Majesty's Instructions in regard to the Tenure of the Judges Commissions. I can safely bid defiance to any Man to shew any other the least colour for discontent with any regard to Truth since the Administration has been in my hands.

That your Lordships may understand this the better, I think it necessary to inform you, that for some years past, three popular Lawyers, educated in Connecticut, who have strongly imbibed the Independent principles of that Country, have zealously endeavoured to propagate their principles both in Religious and Civil matters & for that end make use of every artifice they can invent to calumniate the administration in every Exercise of the Prerogative. In doing this it evidently appears that they think the goodness or holiness of the cause sanctifies every measure necessary for that purpose, however base or wicked it be in itself.

These men had formerly gained so great an influence over the Judges of the Supreme Court, from their want of a sufficient foundation of knowledge and of that Resolution & firmness necessary to curb the insolence and petulance of a popular Lawyer, that the Lawyers obtained so great an influence in the Courts of Justice, as to become the object of dread to many and of complaint to others while they got the applause of the Mob by their licentious harangues & by propagating the Doctrine that all authority is derived from the People. Now when these Lawyers see a cheif Justice on the Bench capable to restrain them, their resentments are greatly provoked.

One of them, William Smith the younger, having

been introduced to settle Mr. Monckton's family affairs before he went on the Expedition, insinuated himself so far, as that Mr Monckton blamed me in Council, for not haveing granted the Judges their Commissions during good beheaviour, as they had them before the late Kings death. I cannot otherwise account for Mr Monckton's doing this without desireing to be informed of the reasons why I had refused Commissions of that Tenure. In truth I strongly suspect that I have felt the effects of this Mans (Smith the Younger) malicious insinuations without the least regard to truth in your Lordships Representation to the King. This Declaration of Mr. Monckton confirmed the Judges in their Refuseing to Act unless they had their Commissions during good beheaviour, as they thought themselves secure in having them so after Mr. Monckton's Return. Thus my obedience to the King's Instructions had like to have brought me under the greatest difficulties.

Being oblidged to call the Assembly together after I had received his Majesty's Commands to raise the same number of Provincial Troops that were raised last year, I endeavoured to conciliate matters if possible, & to remove all grounds of Jealousy. As the pretence for insisting that the Judges Commissions dureing good behaviour was that some Judges formerly had been removed from their offices by a Governor, I proposed passing a Law whereby a Governor should be restrained from removing any Judge without the consent of at least seven of the Council, or by Address from the Assembly, or by the King's express Command. This proposal which I had privately made to the Speaker at my first accession to the Administration I privately renewed to him at the beginning of this Session & to several of the members, but it was received in such manner as clearly convinced me they had something else in view than merely to guard against the arbitrary removal of Judges. I thought myself at liberty to offer this, notwithstanding of his Majesty's additional Instruction, as thereby the Tenure of the Judges Com-

missions would not be altered, & it would be in his Majesty's power to repeal the Law, before it could take effect in any other than my own administration.

After the Assembly had done the business for which they were called I told them they might continue setting as long as they pleased for the dispatch of anything they might think requisite for the publick benefit, but the country members declined setting longer at this season, & desired leave to return home the following Saturday (the 20th) which I agreed to. On that Day, before the House was dismissed the paper called the American Chronicle was publish'd the first time and copies distributed among the members to be by them carried into every part of the Province: At the same time as I was informed Messengers were hired to carry it into the neighbouring Colonies.

On Wednesday following (the 24th) I called the Council & informed them that of the four Judges of the Supreme Court, the Cheif Justice only acted, that Mr. Chambers the second Justice had sometime since (the 19th of November last) surrendered his Commission on account of his age and Infirmities, that Mr. Horsmanden the 3d Justice had refused to sit the last Term, & to act since that time; & that Mr. Jones the 4th Justice had not sat the last time, but had desired of me to have time to consider. At the same time I inform'd them of the American Chronicle (which without doubt all of them had seen) that tho' the authors of it had couched the meaning of it in such words as they may think secures them from a criminal prosecution, yet it is evident their design is to impress on the Minds of the People, Calumnies so absolutely false and dangerous to the Peace of the Province that the Authors were they not affraid of punishment appear capable of any villany that may serve their purpose. That as Mr. Prat the Cheif Justice is under a necessity to return to Boston for some time or may be sick or may dye in which case the Supreme Court must drop, & a failure

of Justice ensue in all cases solely cognisable in that Court, & particularly in all Capital Crimes, & in such case perhaps the Doors of the Prisons may be set open. I likewise told the Council that the American Chronicle appeared to be wrote with design to excite popular tumults & commotions, & therefore it is my duty to lay the state of the Province at this time with respect to the Courts of Judicature before his Majesty's Ministers; but previously to the doing of this I thought it requisite to demand of the two former Judges then present, M^{r}. Chambers & M^{r}. Horsmanden, whether they would act under his Majesty's Commission during pleasure. M^{r}. Chambers answered that by reason of his age & infirmities he could not accept of a Judge's commission on any terms. M^{r}. Horsmanden after two days consideration agreed to act, as M^{r}. Jones by his letter to me has likewise done. This Compliance of the Judges will in a great measure defeat the designs of the Authors of the American Chronicle, & have likewise the satisfaction to learn that it has been generally received with detestation by the Gentlemen of the Province and in the neighbouring Colonies. What effect it may have on the low rank of Mankind, for whom it is cheifly calculated is not so easy for me to know; but now the affair of the Judges is settled I apprehend no ill consequences. However I have the satisfaction to appeal to your Lordships as to the falsehood of some things insinuated in that Paper, and as Sir Jeffrey Amherst has been an Eye Witness of most things which have passed dureing my administration, & knows well the characters of the Men in this Province, your Lordships can be well informed by him if any doubt remains.

It may be proper to inform your Lordships of the Topics on which the Authors of the American Chronicle form their arguments. None in this place doubt who they are.

1st. They assert that the Ministers in the appointment for offices in the Colonies, have no regard to the abil-

ities of Persons, but to the wants of a needy friend, Relation or Servant.

2ndly. That your Lordships are entirely influenced by the representations of a Governor, & that by the change of a Governor all the measures may be changed.

3. That if the people stand firm, a Governor must submit or lose the end he has in desireing to be appointed.

But notwithstanding the self-sufficiency of the promoters of these Doctrines, I am confident all factious designs may be defeated by a proper appointment of the Officers of Government, especially of the Cheif Justice and Attorney General. The knowledge I have obtained of the present Cheif Justice Mr Prat since he came to this Province makes me think that the office is happily filled by him with respect to both the King & the People: and for that reason I earnestly wish that he be not so far discouraged by the want of a sufficient support as to be under a necessity of returning to Boston. The Attorney General may be of the greatest use to a Governour for advice in matters of Law, in keeping factious people in awe, & in prosecuting criminals of all kinds. An Attorney General usually is and ought to be at the head of his profession. Any Gentleman haveing a proper foundation of knowledge & of ability would be so in this Country, tho' he were not able to distinguish himself at West Minster Hall, & would easily obtain great incouragement in private practice. The present Attorney General Mr Kemp is so little considered that he is seldom or never employed in any private Suit. He is a very honest Gentleman, & as his living depends on this employment it would be happy for him to have some other office, & another appointed in this more able to serve the King and the Country.

What I now write is from a sense of Duty without personal view to myself, for I expect my administration will be at an end before anything which I now write can have effect.

I have nothing to add but that your Lordships will see a List of the Acts passed in this Session at the end of the Votes of the Assembly which I enclose, & from their Titles you may perceive that they do not require any particular remarks. A Governor must take all money bills which the public service makes necessary as the Assembly please to grant them. The Act to explain part of an Act for the more effectual collecting &c Depends so much on the original Act of which I sent your Lordships an exemplified copy as soon as it was possible for me to do it with remarks that if the Original be disapproved of, this must fall of course. I am with the greatest Submission My Lords &c.

To the Right Hon^ble^ The Earl of Egremont his Majesty's Principal Secretary of State for the Southern Department.

New York April 7^th^ 1762.

My Lords

In my last of the 11^th^ of February I informed your Lordship that I had received the honour of your Commands of the 12th of December, since which time I have received another of the same date which had been inclosed to Sir Jeffrey Amherst. On the third of last month I delivered his Majesty's Commands to the Assembly in the words of the inclosed printed speech.

The Assembly have complied with his Majesty's requisition, but in a manner that I am in great doubt of my being able to raise the number of men expected from this Province. Last year the bounty to encourage voluntiers to inlist was £15 of our Currency, and then I was not able to raise the full number, now that it is reduced to Ten Pounds I shall be less able. The same Sum of Ten Pounds is given as an encouragement for voluntiers to inlist with the Regulars, but the Assembly

would not give it expressly for that service. They have given £4790 to the Commander in Cheif of his Majesty's forces for his Majesty's service which is at the rate of £10 a Man for 479 Men, the number which Sir Jeffrey Amherst Demanded of this Province for Recruiting the Regulars. However I believe your Lordship will find that this Province has done more in proportion than any other of the Colonies.

It is my incessant endeavour to do my duty & thereby to merit the honour of being with the greatest submission, My Lord, &c.

The two preceding Letters & that in Book 2nd to the Board of Trade dated March 1, 1762, went by the Genl Wall Packet Captn. Eyres, who sailed April 8th, 1762.

To Sir Jeffrey Amherst &c.

Fort George New York April 15th 1762.

Sir,

I communicated your Excellency's Letter of this day to the Council who were setting at the time I received it. The only practicable method to supply the Kings Troops with Provisions in their opinion is by my granting a Warrant to some Inhabitant of this place to impress as much Provision as you shall think necessary for the service on paying the Market price which is to be ascertained by five of the Principal Merchants to be named in the Warrant or by any three of them. The Council have likewise advised me to issue a Proclamation strictly prohibiting the Exportation of provisions to the Enemy or to any Neutral Port under the penalty of being prosecuted with the utmost rigour & severity which the law will allow. They likewise desire your Excellency will please to make similar Requisitions of the other Provision Colonies. This is all the Gentlemen of the Council think I can legally do.

Please to inform me of the Person, an Inhabitant of this city who you think will most effectually execute my Warrant, & I shall grant it to him. I am just now informed that a vessel is this day arrived from North Carolina with 3 or 400 Barrels of Pork. I hope your Excellency believes that I am solicitous to do everything in my power for promoting the Kings service, and that I am with great respect, &c.

To Sir Jeffrey Amherst.

April 17th 1762.

Sir

I have communicated your Excellency's Letter of yesterday to the Cheif Justice & the Attorney General, & the Papers which accompanied it. They have been almost this whole day with me consulting on what may be proper to be done. The result is that tho' the Papers be sufficient to convince any man of the guilt of the owner and Master of the Sloop Dove, yet they are not such legal evidence as will warrant the Committing of them or either of them to Prison & to found a prosecution thereon. Indeed they are of opinion that there is not sufficient Authority in this Province to try and convict any person of a crime committed beyond seas or out of the Province. But if any of the Seamen on board the Sloop Dove could be procured to make oath of the supplying the Kings enemies with Provisions by the master or others, it would be sufficient to commit them & to send them to England for Tryal. Perhaps some of the Crew of the Dove may be detain'd on board the Enterprise if so it would be proper to have them sent up for Examination.

I am inform'd that Rieux mention'd in the French Letters is a French Man from the Cape & has resided some Months in this place as a Factor for the French. If you think it proper I shall order his Person Papers

& effects to be seized, & in like manner all the other French Men now in this Place. Perhaps your Excellency may think it adviseable that one of your officers go along with the Sheriff to see that diligent & effectual search be made for papers, for people of this place may be influenced to favor. It may happen that if the French Men be taken up before we have evidence sufficient to commit Carlisle, Master of the Sloop Dove he will abscond, & I know of no evidence that can be obtained unless they be on board the Enterprise. Please to let me know your sentiments and pleasure on what I now write, & your Excellency may be assured that nothing shall be wanting for crushing this pernicious traffic that is in the power of, Sir &c.

To Sir Jeffrey Amherst.

New York April 23d 1762.

Sir

I have the honour of your Excellency's Letter of this Day, in answer to which inclosed is a List of Vessells cleared out from this Port with Provisions which are suspected to be on illicit trade. Among them it is observable that the sending of Onions, Boards, Hoop-poles, Apples & Oyl to New London, the sending Tar to North Carolina, Beef & Butter & the sending Provisions Bricks & hoops to Pensilvania are all of them like sending Coals to New Castle, & indeed Provisions of any kind are very unfit for these Markets. The same objections as to Vessels cleared for Jamaica cannot be made, but there is strong presumption that several Vessels cleared for Jamaica have gone directly to French Hispaniola as certainly the Sloop Dove did without going near New London for which Port she cleared out. Notwithstanding of this all the Vessells formerly cleared out in like manner returned Certificates from the proper officers that the provisions were landed at

those ports. It may be that in some cases the provisions were really landed, & an entry made at that port of a different cargo tho' the same Cargo was taken on board again. If Mr Temple go personally to New London & Rhode Island & make strict enquiry it is probable he may receive information from Persons living there who are no way concerned in Trade. So many people I suspect have been interested in this illicit Trade from this place that it is very difficult to find Persons to execute any orders who have not connections with them, or who are not affraid of their resentment, so that however solicitous I be to bring the guilty to condign punishment, & to put an entire stop to this pernicious Trade, my endeavours may not have the desired effect.

It is not usual to issue any Impress Warrant without advice of Council, & it will be difficult to get a sufficient number to meet while the Supreme Court sets. I expect it will not be difficult to get Pease at Albany at the Market Price, & as there is no market to carry them to from Albany besides New York they may be impressed here by my former Warrant. I am with great respect, Sir.

To Govr. Fitch Esqr. of Connecticut.

Fort George New York, April 28th, 1762.

Sir

As I find it difficult to raise the number of Men for his Majesty's service that are provided for by the Legislature of this Province and as Timothy Northam of your Colony has assured me that he can get a considerable number of men in your Colony willing to enlist in the pay of this Colony to whom I have given a Warrant to Inlist Men, I must beg the favour incouraging him for that purpose. I can make no doubt of your concurrence in promoting the Service at this time which you know his Majesty has very much at heart. I am with great truth & regard Sir

To Sir Jeffrey Amherst.

May 2nd 1762.

Sir

As I was told that the Sheriff could not in person attend the Execution of my Warrant for seizing the persons & effects of the French said to be in this place while the Supreme Court was setting which continued to set till last night, I now send my warrant to the Sheriff for that purpose which will be delivered to him immediately after this shall be delivered to your Excellency that if you think proper you may direct one or more of your officers to attend the execution of it. The sheriff lives very near your Excellency's present residence. My misfortune at this time in losing a daughter I was very fond of, and the danger another is in really discomposes my Mind that I cannot think properly, which I mention to excuse any omission that may have happened. I am with great respect Sir

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To John Roberts Esqr. High Sheriff of the City & County of N. York.

Fort George, May 2nd 1762.

Sir,

Inclosed is my warrant for seizing the persons papers and effects of all the French Subjects now in this place. I am very solicitous that this Warrant be executed with all the care diligence and despatch possible & that you be particularly careful in discovering and seizing all their papers. I think if possible all their persons should be seized at one time that no intelligence go from one to the other. I have reason to expect that the General will send one or more of his officers to assist you & therefore please to give his Excellency notice of your having this Warrant as soon as you shall have

received it & follow what farther directions in the Execution of it he shall please to give. I am Sir

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To Sir W^{m} Johnson.

Fort George May 3^{d} 1762.

Dear Sir

When I tell you that my Daughter Willett & my Daughter Caty have been dangerously ill ever since the Death of my Wife, that I have lately lost my Daughter Willett, & Caty continues dangerously ill of a Hectic, I hope you will excuse my not answering yours of the 17th of last month sooner & in the manner I would take pleasure to do.

I directed M^{r}. Banyar to inform you of what is done in Council in respect to Clock which is all in our power to do & I hope it will give satisfaction to the Indians. I believe he is now humbled so far as not to take upon him to brag.

The Gentlemen of the Council who act as Justices of the Peace take the oath of a justice of Peace for the Province as well as that of Councillor.

I have the Misfortune likewise at this time to have an unusual load of public business all which I hope will excuse my referring you to M^{r} Banyar for farther particulars. I am with great esteem & regard, Sir.

To Sir Jeffrey Amherst, K. B.

New York May 3^{d} 1762.

Sir

I have the honour of your Excellency's Letter of this Day. The Persons Papers and Effects of his Majesty's Subjects living in this Place as I am told M^{r} Tetard & Van Solen are, cannot be seized without

proper information on Oath before some Magistrate who on such information must issue his Warrant.

The Sheriff has informed me that he has seized the Persons Papers & Effects of Several Gentlemen Subjects of the King of France whom he found at large in this Place. It may be proper to have their Papers examined as soon as possible, but I am greatly at a loss whom to appoint for that purpose who understand the French Language & I must therefore beg of your Excellency to name some proper persons for me & I shall direct the Secretary to be present at the Examination tho' he does not understand the French Language.

Please to inform me of anything farther which you may think necessary. I am with great respect

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To Sir Jeff. Amherst.

May 3d 10 at Night

Sir

I have the honour of yours of this Evening. The Secretary will attend tomorrow morning at nine before noon at the Sheriff's house, & I shall endeavour to have the Attorney General likewise to attend. The Council meets at Eleven at which time the Secretary must attend them, but he will again attend to examine the Papers in the afternoon. I am with great respect, Sir.

To J. T. Kemp Esqr Attorney General.

Fort George May 3d 10 at night

Sir,

The Sheriff has taken in his Custody several of the French King's subjects who were found at large in this City & seized their Papers. The General will order

an officer who understands French well to attend you at the Sheriff's House tomorrow morning at nine of the Clock before noon, where I must desire your being present at examining into the Papers which may be of great consequence to his Majesty's service. I am with great regard Sir

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To Sir Jeffrey Amherst.

Wednesday 8 before noon

Sir

I have the honour of yours of last night, & I design to order the French Gentlemen whose names are mentioned by your Excellency to be released, but it seems proper previously thereto that I have the perusal of all the Papers & have the Attorney General's report on them.

Please to separate those you design to send to the neighbouring Governors that after having perused them in the first place I may send them back to your Excellency without delay. I am with the greatest respect.

To Sir Jeff. Amherst, K.B.

New York May 8, 1762.

Sir

Yesterday I had the honor of your Excellency's Letter of the 6th. I have given directions to the Custom House not to clear out with Provisions, nor to clear out any Vessell already entered with Provisions without previously informing me & to tell the Merchants that if they are dissatisfied with this restraint, a general Imbargo must be laid. But unless the like care be taken in New Jersey and Pensilvania what is done in this Port cannot be effectual for what your Excellency designs. The Merchants in this place as well as the

Merchants residing in those Colonies may export provisions from one of them if not from both.

The Custom House officers inform me that Captn. Price tells the Masters of the Merchant ships in the Kings Service that they have nothing to do with the Custom House. They cannot omit to make the proper Entries of all Goods they take on board, & take out proper clearances without breaking through all the Laws of Trade. The Kings Ships when they have Merchandise on board submit to the Rules of the Custom House. Please to give orders to prevent these irregularities, & that the Names of the Vessells & Masters imployed in the Kings Service be properly certifyed to the Custom House, for otherwise the officers cannot do their Duty while they cannot distinguish the vessells in the Kings Service from others who may illicitly take in Provisions.

As no doubt the Persons who have been in the previous illicit Trade with the French for Provisions ought to be prosecuted vigorously, & as on the Prosecution of their Bonds given on the Exportation they may produce Certificates of the Provisions being duely landed in some other Colony, that the fraud in obtaining these certificates may appear with sufficient legal evidence, it may be necessary on the tryal to have sufficient Witnesses in Court for that purpose, and as certainly many of the Saylors taken from on board the illicit Traders, & now on board his Majesty's Ship the Interprise are proper Evidences it will be necessary to have them in this place for that purpose, because on Tryal the Evidence must be given in Court, any Evidence out of Court will not be sufficient. For this reason a sufficient number who can give security for their Appearance in Court ought to be discharged from the ship on their giving such security. I am told that the Mate of the Sloop Dove, & one Forbes from on board the sloop Susannah & Anne are willing & able to give Security.

There are four able bodied Men in Jail convicted of

Larceny whom I am advised to Pardon on condition of their entering into the Kings Service. If you think them fit for the Regular Service you may have them when you please, otherwise they go in the Provincial Pay & not be at large till they are put on board the Transports.

Since I had wrote so far the Masters and Wardens of this Port have been with me to complain of some affrontive usage from Captn. Price. I believe that these Men are well disposed to do their Duty, & that any disgust given them & to the Inhabitants without sufficient reason will be prejudicial to his Majesty's Service. I am with the greatest respect Sir

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To Sir Jeff. Amherst

May 9th 1762, 9 at night

Sir

I have the honour of two Letters from your Excellency one of Yesterday the other of this Evening. I believe that the Merchants concerned in the illicit Trade will do everything in their power to prevent that any evidence appear against them, but how to take off this Influence on people who otherwise would be willing to give in Security I know not, before tryal is made of what can be done.

The names of the Persons convicted of Larceny whom I was advised to pardon on condition of their entering into the Kings service are Peter O Donnelly, George Sears, William Thomas, John De Leau a french Neutral as they are commonly called and James Runnels. This last man is in Custody but not indited. Perhaps several others are in Jail on crimes not Capital to be tryed in the Mayors Court. Captn. Byrns I am told since I wrote has inlisted them & I suppose the reward either as Provincials or as Recruits to the Regulars.

I have not seen the Master & Wardens since I re-

ceived yours but I expect they will come to me again when I shall know what to say to them.

The Mayor of Albany & Mr Ten Brook one of the Assembly were with me yesterday to complain of abuses in pressing Carpenters, Horses & Waggons. If what they told be true it is no wonder that the people are disgusted & that the service meets with opposition. I desired them to put their complaints in writing which I expect they will do & then I shall be able to inform your Excellency with more certainty. They tell me that the abuses arise from 2 or 3 private soldiers being employed to impress without being under the immediate direction of any officer, and they assure me that if the officers would apply to the Magistrates the necessary service may be carried on without difficulty. I am afraid that if the power of impressing come before the Assembly I may have some Remonstrance on that head. However if you shall think it proper I shall by Message desire their concurrence to an Act for that purpose. I am &c

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To The Right Honble The Lords Commissioners for Trade & Plantations, &c

New York May 11th 1762.

My Lords,

I have the honour of your Lordships Letter of the 20th of January, & I am under great obligations to your Lordships for the trouble you have taken to inform me so particularly in relation to the allowance to be made to the Lieut Govr in the absence of the Govr. I thought I could not have made a mistake in Govr Hunters Instructions, because the President of the Council in the Govrs absence refused to pay any part of the perquisites & my memory fails me extreamly if Mr Burnet did not tell me of the Interpolation which I mentioned. Mr Cosby when he came over demanded half the perquisites & half the sallary from the date of

his Commission to the time of his arrival, & commenced a suit upon it but did not recover. This gave the first rise to the violent Publick Dissensions which happened during his Administration & which did not end till his death. This was the reason that the assembly afterward gave the Sallary to the Commander in chief at the time without continuance to his successor. I shall give your Lordships no farther trouble on this head, as in all probability it can be of no consequence to me.

I shall my Lords continue to do my Duty to the best of my ability, tho' my adhernce to his Majesty's Instructions in opposition to the humors of the Assembly has been, & will be prejudicial to my private Interest. I have not the usual allowance for contingent services but defray the expense of them out of my private pocket. When M^r^ Monckton returns tho' I retain the Character of Lieut Gov^r^ and Preside in Council it will not be of one farthing advantage to me, but increase my private Expenses. This is a case peculiar to this Government for in all the others the Lieut Gov^r^ has provisions made for him. Your Lordships may judge whether this can be of advantage in a Government immeadiately under the Crown & by its situation more conspicuous & perhaps of more consequence than any other of the Collonies on the Continent.

We have lately discovered a most pernicious Trade carried on from the Colonies to the French Settlements on Hispaniola. I am now collecting all the proofs I can obtain, some of which came to my knowledge only yesterday. I shall communicate them to the Attorney General that he may take proper steps to prosecute the offenders. As the Enemy have several Squadrons in the West Indies I have at Sir Jeff. Amherst's request put a stop to the Exportation of Provisions from this Port least the Enemy should be supplied by our Traders who consider nothing but their private proffit.

By my Letter of the 7^th^ of last Month, I informed your Lordships that the Assembly had complied with his Majesty's Requisition of the 12th of December as

to numbers, but in a manner which I thought would not be effectual for the purpose. Last year and every year preceeding the bounty to incourage Voluntiers to inlist was fifteen pounds currency to every Man, this year it is reduced to ten pounds, tho' I could not with the bounty of fifteen pounds compleat the number last year. As the number of Men Inlisted in the beginning of this Month came far short of the number required I called the Assembly on the fourth of this month & by a message, a copy of which is in the inclosed printed Paper I earnestly pressed them to give farther encouragement to Voluntiers, & to compell idle persons into the Kings Service who have no visible way of living and are injurious to the Community, of which great numbers are in this place at this time, but without success as appears by their Resolutions, a copy of which is likewise in the inclosed printed paper. The Assembly persisted in the opinion that a sufficient number would inlist on what grounds I know not, I therefore adjourned them for twelve Days in hopes that if they then discovered that they had gone on false presumptions, as I believe they have they will then come into measures necessary to compleat the numbers expected of this Province. Nothing in my power has been wanting to have compleated the numbers before this time, of which I am confident Sir Jeffrey Amherst is satisfied. He resides in this Place & knows every thing that passes. I shall continue my utmost endeavours tho' I am affraid they will be absolutely ineffectual as to recruiting the Regulars without a Law to compell the Idle vagrants into the Kings Service. I am with greatest submission My Lords

To the R^t Hon^ble the Earl of Egremont.

New York May 11^th 1762

My Lord,

In my last which I had the honour to write to your Lordship of the 7^th of last Month I informed you that the Assembly of this Province had complied with his Majesty's requisitions of the 12th of December; but in a manner which I was affraid would not be effectual.

Last year & every year preceding the bounty for encouraging Voluntiers to inlist was fifteen pounds current money of this Province to each man, this year it is reduced to ten pounds, tho' last year I could not compleat the full number with the bounty of fifteen pounds. As the number of men inlisted in the beginning of this month came far short of the number required, I called the Assembly to meet the 4th of this Month, & by message a copy of which is in the enclosed printed paper, I earnestly pressed them to give farther encouragement to Voluntiers to enlist & to compell idle Persons into the Kings service who have no visible way of living and are injurious to the Community, of which I am informed great numbers are in this place at this time but without success as appears by their resolutions a copy of which is likewise in the inclosed printed Paper.

The Assembly persisted in the Opinion that a sufficient number would inlist on the bounty already given, I therefore adjourned them for 12 Days in hopes that if they then discover that they have gon on false presumptions as I believe they have they will go into measures effectual to compleat the numbers expected from this Province. Nothing in my power has been wanting to have compleated the numbers before this time, of which I am confident Sir Jeffrey Amherst is satisfied. By his residing in this place he knows well every publick thing that passes in it. I shall continue my utmost endeavours for his Majestys service tho' I

am affraid it will be without success in recruiting the Regulars because I find an aversion in the Assembly to that part of the service.

As the enemy have several Squadrons in the West Indies, I have at Sir Jeffrey Amherst's request put a stop to the exportation of Provisions from this Port, least the Enemy should be supplied by our Traders who consider nothing but their private profit. I am with the greatest Submission My Lord

The two preceding Letters went by the Pitt Packett, Captn Goddard, Sail'd May 1762.

To his Excellency Govr Bernard.

New York May 14th 1762.

Sir

I have your Excellency's favour of the 1st of this Month relateing to a murder perpetrated at Kinderhook by Abraham Hunkamay a Stockbridge Indian upon another Indian which I communicated to the Council of this Province. Mr Horsmanden one of the Judges of the Supreme Court of this Province has sent his precept to the Sheriff of Albany to go to the frontiers of this Government on the first day of June next there to receive the Criminal from the officers of your Government & to convey him to the Jail of Albany there to take his trial at the next Circuit Court which will be Tuesday the 22nd day of June next.

We in this place are entirely ignorant of the fact, it will therefore be necessary that the Attorney General Mr Kemp be fully informed of it and of the witnesses that summons for their appearance may issue in proper time. If this be done I make no doubt the Indians will be pleased with the Justice that shall be done & incourage them on future occasions to trust to the Justice of the Government.

I have directed the Secretary to write to the Sheriff of Albany to apply to Joseph Dwight, Esq, or to Timothy Woodbridge as you advised for farther information. I am &c &c

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To His Excellency Sir Jeff. Amherst.

New York May 20th 1762.

Sir

The Assembly have this moment sent two of their members to me with a private Message Informing me that the obstructions to the Inlistments arise from an apprehension which generally prevails among the Men that the 553 Men to be embarked of the Provincial Troops in the pay of this Province are to be sent to the West Indies and to be compelled to inlist with the Regulars. They are of opinion that if your Excellency should think proper to give assurances that the Provincial troops in the pay of this Province are to be employed on the Continent of America only & that they shall be returned to the Province as soon as the service is over without being compelled into the Regular Troops the numbers required of this Province may soon be completed. They likewise say that in case your Excellency think proper to give this assurance the Assembly will give an additional bounty to those who embark.

I promised to communicate this private message to your Excellency and to inform them of your Answer as soon as it shall be in my power. I am with the greatest respect

To W^m^ Nicoll, Esq, Speaker of the General Assembly of New York.

New York May 20, 1762.

Sir

I think the General's Assurances in order to remove the prejudices that have hitherto discouraged the Inlistments will be best communicated in the Form of Orders to the Provincial officers, a copy whereof I now enclose leaving a blank therein on the supposition that an additional Bounty will be granted by the Province to those Men who shall embark which I hope the General Assembly will readily come into as a Measure necessary to prevent any disappointment in so essential a part of the Kings service. As soon as I know the Resolution of the House on this head, I will give directions for printing & distributing the Orders throughout the Province without delay, as no time is to be lost. I am with great regard Sir, &c.

To Sir Jeff. Amherst.

New York May 22^nd^ 1762.

Sir

From what passed this Day in Conversation, I suspect that some Merchants in this place, or in Philadelphia, perhaps in both, have entered into Contract to send Provision to Havana by way of the Island of Providence. I cannot obtain sufficient Evidence to Judge whether this be true or only surmise, However I think it proper to inform your Excellency of it as you have it more in your power to inform yourself fully than I have, and you have it likewise more in your power to prevent the ill effects of it should it be true.

I have likewise this Day received a Letter from Mess^rs^ Rieux & Compte French Gentlemen in prison

praying to be set at liberty on their parole of Honour, or if necessary on giving security in this Place to present themselves as often as required & to observe such orders as they shall receive. In this I shall conform to your Excellency's advice & I beg the favour of your advice. I am with greatest respect Sir &c.

To Sir Jeffery Amherst.

New York May 26th 1762.

Sir

So soon as I received yesterday your Excellency's Letters of the 24th & 25th I gave orders to Coll. Thodey pursuant to that of the 24th. He tells me that he has communicated to you what he intended to do in pursuance of them, which you have approved of. I have likewise given directions to the Custom House agreeable to yours of yesterday for allowing the Provisions to be loaded & cleared out which Mr Franks is to send to Jamaica for the use of his Majestys navy there. This day received the inclosed Letter from the Mayor which I think necessary to inclose to your Excellency that you may give the orders necessary to prevent any contagious distemper from being brought into this place conformable to a Law of this Province. For which purpose there can be no use of any Argument. The Mayor tells me that the Corporation have a house on Bedlow's Island of four rooms each of twenty feet square for the reception of the sick, and another House on the said Island where the Physicians & Surgeons may be accommodated. A man & family live in this last house & the Mayor tells me he shall either remain there or remove as shall be thought most convenient.

By the Law the Pilots are directed to bring no Vessell which has any sick on board nearer to the City than Bedlow's Island till they shall be visited by a Physician appointed for that purpose, & if he thinks

the distemper to be contagious the sick are to be landed on that Island & the Vessells to perform Quarantine for such time as the Gove^{r} & Council shall think proper.

I likewise enclose a Second Letter which I have received from Mess^{rs} Rieux & Compte. I am &c.

To Lord Stirling.

Fort George May 30th 1762.

My Lord

As soon as I received your Lordships Letter of this Day I sent to the Collector as the matter entirely rests with the Officers of the Customs in which I cannot properly interpose. I cannot receive on M^{r} Livingston's assertion alone that he had leave from the Naval officer to put naval stores on board as the doing of it is contrary to an Act of Parliament as well as my directions in this case & subjects the naval officer to Punishment. I find the officers of the Customs take it highly amiss to be charged with a continual breach of the Laws of Trade for twenty years continually. I am with great respect My Lord &c

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To Sir Jeffery Amherst.

May 30th 1762.

Sir

I communicated the Contents of your Excellency's Letter of this Day to the Commissioners for paying the Troops of this Province as soon as they were come from church. They say that they will send an Express this afternoon for the payment of the bounty of the Men Mustered at Albany. They had my Warrant to receive this money above ten Days, how it came to be neglected I know not.

The inclosed Letter came to my hands this morning. I know nothing more than what you will learn by the Letter. I should be glad that it were proper to favour Mr Wood's Son-in Law, whom I never saw, probably he may be a relation of Mrs Gates.

Allow me Sir to remind you of Lt. George Turnbull in case anything offer at this time in his favour for it would give me great pleasure to be of use to my friend who I believe is a deserving Man. I am with greatest Respect Sir

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To the Right Honble the Lords Commrs for Trade & Plantations.

New York June 12th 1762.

My Lords

In my last which I had the honour to write to your Lordships of the 11th of May, I informed you of the difficulties I was under in compleating the number of Men, which his Majesty had demanded of this Province for this years Service, It being generally understood that the Men were to be employed as last year, in place of Regulars removed on other Services, & when it was known that 553 of them besides officers were to embark on some secret Service such an aversion appear'd among the Men to this Service, it became necessary for me to meet the Assembly again on the 18th of last Month for their aid.

They have given an additional Bounty of 40s to each man who shall embark, & passed a Law inflicting a penalty of £50 on any who shall harbour deserters. With much difficulty I have compleated the number required for Embarkation, and they are now ready for that purpose. There is not so much difficulty in getting the Men who are to be employed, as in former years.

At the time the Assembly met in this Place the small pox was frequent in it & many of the Members not having had that Distemper they were uneasy, &

it was impossible to prevent their hurrying Business, more than was proper to have things well considered. Inclosed are the Printed Minutes of their Proceedings, and two Acts passed at that time. The Act Relating to the Light House was occasioned by the obstinacy of the Proprietors of the Land where the Light House is to be built who refused to convey tho' an extravagant Price is paid for the Land unless a Law were passed enabling him to sue for Trespasses committed on it in New York tho' the Land be situated in New Jersey.

I likewise informed your Lordships that I had ordered some Merchants to be prosecuted who had been discovered to have carried Provisions to the French on Hispaniola. Since which time I have received a Memorial from the Merchants in which after some excuses for their haveing been drawn into that Trade without any bad intentions, [they] promise solemnly to abstain from it for the future. As I think them sincere I hope there is an entire stop put to that pernicious Trade from this place. How it may be as to the Neighbouring Colonies I cannot say.

In my Letter of the 7th of April I informed your Lordships of a Paper published in this place with a view to embroil the administration. I have the pleasure to inform your Lordships that it has had an effect the reverse of what the author designed. It has produced so general a Detestation of the authors & of their design that they have dropped their Pens. The minds of the people are as much at ease, & the Province in as great tranquility, as ever it was at any time. This gives me the greatest satisfaction at this time when I expect soon to deliver up the administration of Government, on General Monckton's arrival. No Governor I flatter myself has more at heart faithfully to perform his Duty than I have had: and if I can obtain the honor of your Lordship's approbation of my past services I shall think myself extremely happy: and I shall hope

to be regarded by your Lordships as My Lords Your most Obedient & faithfull Servant

P.S. General Monckton is arrived in the Evening after this was wrote.

To the right Hon^ble Lord Egremont

New York June 12th 1762.

My Lord,

In my last which I had the honour to write to your Lordship on the 11^th of May, I informed you of the difficulties I was under in compleating the number of Men which his Majesty by your Lordships Letter of the 12th of December required of this Province. It was generally understood that the Men raised in this Province were to be employed in North America as last year in place of the Regular Troops sent on other Services and therefore when it was known that 553 of them besides officers were to embark on some secret Expedition a general aversion to that Service appeared among the Men, & it was with great difficulty I could make up that number tho' the Assembly has given an additional bounty of 40^s to each of them more than to the others who are to replace the Regulars. I have now compleated the whole number ready to embark when the General shall think proper.

It has been lately discovered that great quantities of Provisions have been carried from this & the neighbouring Colonies to the French on Hispaniola. I have ordered the Attorney General to Prosecute the offenders in this Province, & I hope an effectual stop is put to this pernicious Trade.

The Embargo on Provisions which in my last I informed your Lordship I had laid, continues to prevent the Enemy's squadrons in the West Indies from being supplied.

This Province is in perfect ease & tranquility & if

my administration receive your Lordships approbation, now when I expect every day to deliver it up on the arrival of the Governor in Chief it will give much happiness to My Lord Your &c.

To the Hon^ble R^t. Monckton, Esq.

Flushing August 8^th 1762

Sir

I have the Honour of your Excellency's Letter of the 4^th with the Papers inclosed which I now return. As I had received your Excellency's Instructions before I received the Originals of which there are Duplicates, & had acknowledged the Receipt of them, I thought they were of no farther Publick use, the chief design being to guard against the inconveniency's which might happen by miscarriage of the Instructions.

Inclosed your Excellency will receive a Copy of a Representation made by the Board of Trade to the King. In some part of this Representation their Lordships have certainly been misinformed of facts, & for that reason I thought they might take it amiss to have it communicated, but I hope they cannot take amiss the sending of the Copy to you. In it their Lordships represent on information which they say may be depended on that the Lieut. Governor & the Council had entered into measures for making fresh grants more for the benefit of themselves & of their families than for the subjects in general. Your Excellency has now an opportunity of enquiring into the truth of this information. As to myself I say that I have not been interested in any Grant of Lands, or in any License of Purchase in any shape or share either directly or indirectly by any Person in trust for me since the Administration has been in my hands, or for twenty years preceding, nor have I had so much as an inclination to be interested. Nor do I know that any of my children

have been interested in any License of Purchase, tho' I know no reason to debar them from any priviledges or advantages which others have. I am with great Respect Sir.

To the Right Honourable the Earl of Halifax.

New York March 27, 1763.

My Lord

As I was convinced that by Your Lordships favour only I was appointed L^t^ Gov^r^ of this Province, it added greatly to the obligation every man is under to do his Duty, that I might not be thought unworthy of the honour you have done me. Tho my administration of Gov^t^ was attended with unusual variety & multiplicity of business, I am well assured that I have gained the good will and opinion of the People, & I flatter myself that I have not by any part of my conduct incurred the displeasure of his Majesty's ministers & in some instances attended with difficulty I have received their approbation.

General Monckton for some time past has been indisposed & it is said that he intends to return to England for his health. Permit me my Lord to beg the continuance of your favour & patronage while I continue not unworthy of it, and while on every occasion I evince that under all the obligations of gratitude & Duty I am My Lord Your most obedient & faithfull Servant.

To the Hon^ble^ Sir W^m^ Johnson Bart.

Flushing, July 2^nd^ 1763.

Dear Sir

No doubt you have heard that the Gov^r^ has sailed for England & that the Administration is again fallen into my hands. I was at this time in hopes that it

would be attended with little difficulty or trouble, but what I hear of the Indians gives me great concern. What information I have is with so little certainty that I am not able to form any notion of what may be proper to be done especially as I have not the least information of the present disposition of the Six Nations. However that be I must desire you to give such directions to the militia under your Command as may be most conducive to the safety of his Majesty's subjects. I cannot be more particular in my present ignorance of the disposition of our Indians least umbrage or jealousy be given to the Indians which otherwise might be prevented.

It will give me pleasure in my administration if it be agreeable to you in everything which concerns you for I am with sincerity & real affection Sir Your most obedient Humble Servant.

To the Right Hon^{ble} The Lords Commissioners for Trade & Plantations

New York July 8th 1763.

My Lords,

General Monckton left this Place the 28th of last Month in his return to England. Thereby the Administration of Government is again fallen into my hands, as Lieut Gov^{r}. I flatter myself that your Lordships were convinced of my endeavours to perform the trust reposed in me, while I had the administration formerly. Allow me to assure you that I have nothing more at heart than to preserve any favourable Opinion which was formerly entertained of me: & that it shall be my constant endeavour to do my duty to the best of my ability. While I do so I shall remain confident of your Lordships supporting me.

Without doubt General Monckton has informed your Lordships of the death of Chief Justice Pratt in Janu-

ary last. By his death the People of this Province as well as his Majesty's Service has suffered a great loss. He was of abilities sufficient to restrain the licentiousness of the Lawyers, tho' of a very weak constitution of body. The Gov^{r} has appointed Dan^{l} Horsmanden Cheif Justice & Mess^{rs}. David Jones, William Smith and Robert Livingston Puisne Judges. The appointment of Judges has appeared to me at all times of such consequence to the liberty and property of the People, & to his Majesty's Authority in the administration of Government, that I gave my sentiments without reserve on that subject in my Letters of the 11th of January, 11th of February and 7th of April last Year. I must beg leave to refer to them: for I can add nothing more unless it be that in case his Majesty think proper to appoint a Chief Justice it will become at the same time necessary to allow the same Sallary which I am informed was allowed M^{r} Pratt out of his Majesties Quit rents of this Province, otherwise the Chief Justice may be laid under difficulties, which by all means ought to be avoided.

M^{r} Kennedy, Receiver General of his Majesty's Revenue & Collector of the Customs in the Port of New York, dyed the 14th of last month. The Gov^{r} has appointed Oliver De Lancey to be Receiver General: & the Surveyor General of the Customs has appointed his Brother Robert Temple to be Collector of the Customs in this Port. Nothing else new has happened since the Gov^{r}. went.

It shall be my constant endeavour in the discharge of my Duty to obtain the Honour of being My Lords Your most obedient & faithfull Servant C. C.

To the Right Hon^ble The Earl of Egremont his Majesty's Principal Secretary of State.

New York, July 8th 1763.

My Lord,

General Monckton Governor of this Province having delivered the Seals to me before he went from this place on his return to England, I have by virtue of his Majesty's Commission of Lieutenant Governor taken the administration of Government on me. It is needless to trouble your Lordship with any thing relating to this Government before the Governor in Chief left this Place as you will be much better informed by him than I can. Nothing new has happened since, except that M^r Kennedy Receiver General of his Majesty's Revenue in this Province and Collector of the Customs having dyed a few days before the Governor left this Place, Oliver De Lancey one of his Majesty's Council for this Province has since the Governour went produced his Commission to be Receiver General: and the Surveyor General of the Customs has appointed his Brother Robert Temple to be Collector of Customs.

I flatter myself that while the administration was formerly in my hands I obtained the approbation of his Maj^ties Ministers of my Conduct. It shall be my constant endeavour to do my Duty in the trust reposed in me. While I do so I shall remain confident in the continuance of your Lordships favour and protection & likewise hope thereby to obtain the honour of being with great submission My Lord Y^r most Obedient & faithfull Serv^t C. C.

To the Right Hon^ble the Earl of Egremont his Majesty's Principal Secretary of State for the Southern Department.

New York July 19th 1763.

My Lord,

On the 8th of this Month I inform'd your Lordship that I had taken the administration of Government on me when General Monckton left this place. On the 17th Instant I received your Lordships Commands of the 26th of March with his Majesty's Proclamation of Peace which I have this Day Published with the usual solemnity. On this occasion all his Majesty's Subjects within my Government most heartily rejoice. I am with the greatest Submission My Lord, &c

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To the Right Hon^ble the Lords Commissioners for Trade & Plantations.

New York July 19th 1763.

My Lords

On the 8th of this Month I informed your Lordships that I had taken the Administration of Government on me at the time General Monckton left this place. On the 17th I received your Lordship's Commands of the 29th of April. Your Lordships directions as to Correspondence shall be punctually observed: & this day I intend to issue a Proclamation for a Thanksgiving to be observed in this Province on the 11th of August next on the happy conclusion of Peace. I am well assured that all his Majesty's Subjects in this Government most heartily rejoice on this occasion. Nothing new has happened since my last. I am with the greatest Submission My Lords &c

To Sir Wm Johnson Bart

Spring Hill July 28th 1763.

Dear Sir

This Evening I received two Letters from you at the same time, one dated the 13th & the other the 25th of this Month. Since the Conclusion of the Definitive Treaty our Ministry have had such a Multiplicity of business on their hands, & have met with such unexpected difficulties that it was not possible for them to attend to every branch of business, & some neglects became allmost unavoidable but I am confident you may assure our faithfull Indians that they will be far from being neglected as soon as the Ministry can attend to their affairs.

I am of opinion that the most effectual method for the Conojohary Indians obtaining redress will be by an order from the King, & by the Kings bearing the necessary Expense of it, otherwise it cannot be carried effectually on, & I am persuaded that in your representation this may be obtained. Whatever is in my power for their obtaining Justice shall be done whenever it shall be properly pointed out to me.

I am well pleased with what you have done for the Security of the frontiers. You have often demonstrated your zeal on the like occasions. Even after all your care & doing every thing that can be done it may be impossible to prevent a great deal of mischief. However they may succeed in surprising poor innocent people, it will at last bring destruction on those cruel treacherous savages.

You may assure the Inhabitants that I shall warmly recommend their sufferings at this time to the Assembly for their proper Consideration.

Please to let me know what you think necessary for making the militia of Albany more usefull with the names of the officers for the Troop and two Companies of Grenadiers and an Adjutant & in what manner they

are to be inlisted that I may give the proper Orders for that purpose.

It is needless for me to intreat you to go on as you have allways don in the Publick Service, Your Zeal wants no Spur. I am with great affection & Esteem Sir Yr &c.

To Coll. Hardenbergh.

Spring Hill, July 28th 1763.

Sir,

This Evening I received yours of the 24th. I am sorry to hear of the uneasiness the inhabitants are brought under. At this distance it is impossible for me to give particular directions. I can only desire you to do every thing that can be prudently done for the security of the Inhabitants on the frontiers & to prevent their deserting their Habitations.

Nothing will more effectually prevent mischief than to let the Indians see that you are prepared for them and allways sufficiently on your guard. Timidity will certainly bring greater Mischiefs on the frontiers. Tho' it may be impossible to prevent Mischief for some time, Destruction will certainly fall on those cruel treacherous Barbarians, & proper measures are taken for that purpose. I shall warmly recommend to the Assembly when they meet to grant reliefe to those who suffer in doing their Duty at this time. I shall readily fill up the vacant offices in the militia when you inform me of the names of proper persons. I make no doubt of your Zeal for the Publick Service and am with great regard Sir

To Cadwallader Colden Jun^{R} Esq Major of the 2nd Reg^{T} Ulster County.

Spring Hill, Aug^{t} 3^{d} 1763.

Dear Cadwallader

I have yours of the 28th with the letters inclosed. I received similar information from Sir William Johnson by Letter dated the 25th and from Coll. Hardenbergh of the 24th both which letters I answered on the 28th to the same purpose that I now answer yours viz: In the present case I can give no particular directions: That everything ought to be done which in prudence can be done for the security of the Inhabitants on the frontiers. If the Indians discover that the People are every where upon their Guard & ready to receive them it will be the most effectual method to prevent mischeif for in such case probably they will not attempt it, but if the people by their timidity desert the frontiers it will give them such courage that I am affraid much mischeif may ensue, tho' at last it will certainly end in the destruction of the Indians. These disorders I think cannot last long, & therefore the people may more chearfully be on their guard for some time. The far Indians by this time have something else to think of than to attack our frontiers. I know nothing of late with certainty about them, & I believe the General does not, otherwise he would have informed me of it. No mischeif so far as I am informed has as yet been done anywhere on the frontiers of this Province.

It is now evident nothing but fear can restrain such cruel perfidious creatures as Indians. The General has don everything in his power to give them a severe chastisement after which they may become good boys but not till then. Inform Coll. Ellison with the Contents of what I now write which is all I can at present say for his conduct.

To Captain Hogan Commanding the New York Provincials at Fort Ontario.

Flushing, Aug. 3d 1763.

Sir,

I have yours of the 5th with your Monthly Return and yours of the 24th of last month. I have before now been convinced of your zeal for the public service & I am glad to see you continue the same. You may be assured that I shall do everything expected of me to make good Governor Monckton's promises, & for Encouragement to the Men who continue in the service. I am entirely unacquainted with the method now taken to pay the company under your Command, & therefore at present I can do no more than to send a Copy of your Letter to Messrs Cruger Robinson & Livingston that they may remove any difficulties, which I am persuaded they will readily do. I shall be well pleased that you communicate any material news or intelligence you have, as soon as you can to me. I am &c.

To His Excellency Sir Jeffery Amherst.

Spring Hill, Aug. 15th 1763.

Sir,

The morning I left New York, Christopher Blundel Storekeeper in the Fort told me that by disbanding the four Independent Companys he had lost the Sallary annexed to his office and represented moveingly the difficulties he was thereby laid under in supporting a wife and children. At the first establishment of these Company's a deduction was made from the pay of the Men, for the Pay of a Chaplain, Surgeon, Store keeper and Armorer. By a subsequent Regulation the Gunners and Armorer's Places were suppressed to provide for a second Surgeon. It is evident then that by disband-

ing the Independent Companies the Sallaries of these officers must cease. While there are no Men there can be no use for Surgeon & Chaplain, but it is otherwise as to the Storekeeper for in every Fort there ought to be proper warlike stores.

This Man has been very useful & oblidgeing to me and will be so to every Governor, more than those Officers who depend yearly on an Assembly for their support. In the present state of affairs your Excellency must have discretionary powers, & I hope you may think it proper to provide for this Man till a regular Establishment can be made. I am with the greatest respect Sir.

To Philip Skene, Esq^{r} Major Brigade at New York.

Spring Hill, Aug 18th, 1763

Sir,

I have yours of the 17th. I did not know that you had settled any Lands on the Wood Creek before you informed me of it the last time I was in New York. You may be assured that no Lands which you have settled shall be granted to any other Person while the administration is in my hands; but as I am ignorant of the Grants made by Governor Monckton, where they are Located or whether they interfere with yours, I shall be glad of a more particular description of the Situation of the Lands you have settled with their exact distance and bearing from Fort Edward, otherwise they may be included in some or other of the Grants made by General Monckton & I may make them absolute by affixing the Seal to them without knowing that they include your Lands. You shall have a hearing in Council whenever you please, and till then I shall not affix the Seal to any Pattent which it is thought may interfere with your Lands. It is necessary there should be five of the Council at least pres-

ent when any matters concerning Lands are transacted. So many of the Gentlemen are in the country that I have not been able to make that number this Summer. I have ordered a Council to be summon'd the 14th of next Month, but I doubt of having five members present; the business I have with them may be done by three. If you have not an accurate survey of the Lands you have settled I advise you to have it made as soon as possible, so as to ascertain the boundaries and quantity of Land you intend to settle & improve. Your doing of this may probably remove an opposition which I apprehend may otherwise be made to your receiving a Grant, especially if you can without injury to yourself avoid the Grants made by Governor Monckton. My Son the Surveyor General of Lands can inform you more particularly on this head than I can, and if you think it proper I shall direct him to order a survey to be made for you without delay. As I know the regard which Sir Jeffery has for you it will give me pleasure to serve you, and to convince you that I am with great regard Sir

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To His Excellency Sir Jeffery Amherst.

Spring Hill Aug. 28th 1763.

Dear Sir,

I am extremely obliged to you for your kind Letter with the Account of the defeat of the Indians. This is an earnest of the success of your plan for subduing the fierce cruel spirit of the Savages whereby the security of the Colonies will be established in futurity. I not only share in the joy which all his Majesty's subjects receive on this occasion, but I have a more peculiar pleasure in seeing those abilities made still more conspicuous which I have long admired. I am in great expectation of a more effectual blow & that you will soon have an opportunity of redoubling the pleasure of Your most affectionate &c

To the Mayor or Recorder of the City of New York.

Spring Hill, Aug 31st 1763.

Sir,

The General sent the bearer of this with the inclosed Letter to me. As it is something Extraordinary that these Indians were found in Orange County near Tappan, and it cannot be conceived what should carry them into that part of the Country, the General thinks it proper as I do, that they be confined somewhere till they can be examined by proper Interpreters, or 'till it can be discovered who they are & what has brought them into this part of the Country.

Please to send for such Persons in the City as understand the Indian Languages that you may learn from the Squaws what has brought them into this part of the Country, and in the meantime to order them to be confined in the Jail or Workhouse till further orders. Please likewise to advise with the Gentlemen of the Council in Town on what may be proper to be done. After you have learned what you can, I think it proper that you or one of the Gentlemen of the Council write to Sir Willm Johnson informing him of what you can learn, & to desire him to enquire of the Mohawks what they may know of this Indian.

I must desire you likewise to inform me of what you shall have done in this affair. I am &c

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To Sir Jeff. Amherst.

Spring Hill Septr 1st, 1763

Sir

I have your favour of yesterday & have given directions to the Mayor to have the two Indian Women secured either in the Jail or Workhouse & to endeav

our to find some Person who understands their Language that they may be examined.

I expect the Mayor or in his absence the Recorder will have regard to whatever you shall think proper in this case, & perhaps you may more easily find an Interpreter than any other can. I am with great respect.

To Sir Jeffery Amherst.

Spring Hill Sept^{r} 4th 1763.

Sir

Capt^{n} Hogan by his Letter to me of the 27th of last Month writes that as the detachment of his company at Detroit will soon want necessaries, he desires to know whether they will be continued there for the ensuing Winter that necessaries may be provided for them. As the Season is advancing & the distance great I have desired M^{r} Banyar to wait on your Excellency to know your pleasure that if they are to continue he may apply to the Provincial Commissaries to have them supplied without delay. I am with greatest respect Sir.

To Capt^{N} Anthony Wheelock Commissary of Prisoners.

Spring Hill Sept^{r} 6th 1763.

Sir,

I have your favour of the 2nd with the Certificates inclosed which I now enclose with this. Since the Persons mentioned in yours are libelled in the Court of Admiralty and not discharged, I cannot regularly order them to be delivered to you, but I am of opinion that on sight of the inclosed Certificates the Judge of Admiralty will discharge them, in which case I desire you may receive them from the Sheriff to be trans-

ported to their own Country. I am with much regard Sir

I have no objection to the Accadians going anywhere except to Nova Scotia where they may give disturbance.

To John Cruger, Beverly Robinson and Peter Van Burgh Livingston Esq[rs] Commissaries & Pay Masters to the Forces raised in the Colony of New York.

Spring Hill Sept[r] 7[th] 1763.

Gentlemen

I directed M[r] Banyar to communicate to you the difficulties Major Hogan informs me the Men in the Pay of this Province are under for want of necessaries. The General writes to me that if they receive their pay to the first of this Month they may with that Money procure necessaries where they are more easily than they can be sent. No doubt you will be loth that the Men in their present situation in the Service of their country should meet with discouragement and therefore you will take care to have them paid to the first of this Month. I suspect that your making the return of a Muster Roll pursuant to the Act of Assembly previously necessary has created perhaps difficulties in the Men's receiving their Pay. While they are divided into several Detachments, in several parts of the Country, some of them at Detroit, it seems impracticable to make a Muster Roll on Oath. By Capt[n] Hogans Monthly return to me they consist of 173 Men including 17 sick & 2 in Prison. The Season of the year is so far advanced & the distance so great I am desirous that no delay be made in this Affair. I am with great regard Your &c.

To the Right Hon^ble the Earl of Egremont &c

New York, Sept^r 14^th 1763.

My Lord

I have the Honour of your Lordships Commands of the 9th of July signifying his Majesty's pleasure for suppressing the pernicious illegall trade carried on in America. Nothing in my power shall be neglected in the performance of so necessary a Duty. I cannot imagine any method for suppressing the pernicious Trade with Holland which can be more effectual than this now taken by his Majesty's Ships of War. If a few Men be put on board every suspected Vessell on the Coast or that comes from any foreign Port to prevent her breaking bulk till she comes to the proper Port for unlading and so attend the unlading this alone in my humble opinion would in a great measure if not wholly suppress the illegal Trade. My Lord, as your Lordship is pleased to direct me to impart to you such farther hints as may occur to me as proper for this subject of his Majesty's Rights and Revenues I presume to inform you of another matter which greatly affects his Majesty's Revenue of his Quit Rents. In his Majesty's Instructions to his Governors of this Province it is set forth that his Majesty has been informed of exorbitant Grants of vast Tracts of Land in this Province under triffling Quit rents particularly in the Countys of Orange and Ulster without any obligations on the Grantees to cultivate and improve. His Majesty directs & requires his Governor to put in practice all legal Methods for breaking and annulling all such exorbitant irregular and unconditional Grants & to report whatever may be thought further necessary or conducive for affecting the same. No Prosecution of this kind can be carried on without considerable Expence, & the Governor has no fund either from the King or from the Assembly for this or any other Contingent service. This alone has disabled the Governor

& the Attorney General in attempting such Prosecutions.

We have a Set of Lawyers in this Province as Insolent, Petulant and at the same time as well skilled in all the chicanerie of the Law as perhaps is to be found anywhere else. This requires Judges of ability & skill in the Law to restrain them who are not easily to be found in this Place & at the same time disinterested for the distinguished Families in so small a Country are so united by intermarriages & otherwise that in few cases a cause of any Consequence, especially where the Kings Rights are concern'd, can be brought before a Judge who is one of these families in which he can be supposed entirely disinterested & free from connections with those interested either in the Case or in other cases similar to it. A very remarkable Case which the Kings Interest is greatly affected by, in proofe lately happen'd which I intend to lay before the Lords of Trade & Plantations as soon as I can procure the proper materials. This case relates to the Lands mentioned in the above Instruction.

Your Lordship can hardly conceive how weak the hands of Government are in this Province, and how much Governors are disabled in securing the Kings Rights, & in putting the Laws of Trade in Execution. This may deserve the attention of his Majesty's Ministers. In my humble opinion no means in these cases can be effectual without at least a disinterested Cheif Justice of sufficient ability & resolution and an able Attorney General to advise the Governor and to carry on suits at Law, both of them properly supported together with a sufficient Fund for the unavoidable Expense of Prosecuting effectually wherever the Kings Rights or authority is invaded. His Majesty's Quit Rents in this Province are sufficient for these Purposes.

I confide in your Lordships protection while I do my Duty, and am with the greatest Submission My Lord

To the Right Hon^ble the Lords Commissioners for Trade and Plantations.

New York Sept^r 26^th 1763.

My Lords,

Since General Monckton left this Government I have seen the copy of a representation made to him by five Gentlemen of the Council relateing to the Boundaries of this his Majesty's Province, which in my humble opinion were it to take effect as proposed would be injurious to his Majesties rights & Revenue: and therefore as the affairs of the Colonies may probably at this time come under the consideration of his Majesty's Ministers & this representation may be laid before them I think it my Duty to make remarks upon it without delay, and to shew the mistakes that these Gentlemen have fallen into.

Had I been apprised of it before it was made, I presume I should have been able to have prevented the Mistakes. I have been 40 years at the Council board, & in that time have been more conversant in the Publick affairs of this Government, than any Man now living in this Province. These Gentlemen all of them except M^r Horsmanden have had seats only a few years at the Council Board, & it is impossible they can be fully informed without the assistance of others. They have neglected likewise to inspect the Minutes of Council when the same matter had formerly been under the consideration of the Council who after long and mature deliberation & after consulting the Principal officers of Government and every other Person who they thought could inform them came to Resolutions very different from the sentiments of these Gentlemen, as will appear in the Minutes of Council of the 18^th of October 1751 & more fully & clearly in the Minutes of the 2nd of March 1753. I had likewise the honour of writeing to your Lordships Predecessors in office on the same subject the 28th of February 1761.

The Motives to the Representation are certainly just, viz: The preventing Tumults & Disorders on the Borders and I join heartily in Opinion with them that it is greatly for his Majesty's Interest, & for the benefit of this and the neighboring Colonies that an end be put as soon as possible to these disputes; but at the same time I hope to shew by what follows that this may be done without giving up his Majestys Rights or encouraging Intrusions which have been made, or hereafter may be made on the Kings Lands and without in the least distressing his subjects who have settled on these Lands and cultivated them.

That I may not too much trespass on your Lordships patience I shall pass over several mistakes in the Representation that I may come to the principal Error on which the whole is founded with respect to the Massachusetts Bay. It is this.

These Gentlemen as they say "have been inform'd "that in the year 1664 Commissioners were appointed "by King Charles the Second to settle the Boundaries "between this & the adjacent Colonies who determined "that a Line parallel to and at 20 miles distance from "Hudsons River on the East side thereof should divide "the two Provinces of New York and Massachusetts "Bay from each other, to which the Legislature of the "latter agreed as appears by the Record of this Trans-"action at the Plantation office. Yet this Settlement "was never carried into effect; has been rejected or "not insisted on by the Province of Massachusets Bay, "is not mentioned in any of the Public Records or "Papers here; nor was introduced in the debates on this "subject at the Congress or Meeting of Commissioners "from both Provinces at Albany in the year 1754, "and till very lately hath been utterly unknown to us."

In consequence of this new discovery they conclude that a Line at 20 Miles distant from Hudsons River would be an equitable boundary not only between New York & Massachusets Bay but likewise between New York and New Hampshire.

There is great reason to doubt of some mistake in the information that the whole of that settlement of Boundary mentioned in it related to Connecticut only, & not to the Massachusetts Bay, for as to Connecticut it appears in the Records of New York, but in no shape as to Massachusets Bay. If this information be true it is unaccountably odd that in so long a time the People of Massachusets should at no time avail themselves of it unless it be supposed that they are convinced of its being now of no Force.

If the equity be considered by which the settlement of Boundary with Connecticut was made it will appear that the Equity did in no manner Extend to Massachusets Bay.

Before the Duke of York received his Grant and while the Dutch were in possession of New York, the people of Connecticut had their principal Towns and Settlements on the West side of Connecticut River, and had even extended their settlements on the Sea Coast within ten miles of Hudson's River, but the Massachusetts Bay (as I am inform'd and believe) had at that time made no settlements so far West as Connecticut River. It was in consideration of these settlements by Connecticut that the boundary between New York and Connecticut was fixed at 20 Miles from Hudsons River, reserving however to Connecticut the Settlements actually made tho' within less than ten Miles of Hudsons River; for which they were to allow an Equivalent in the inland parts, where they had no Settlements. By this Equivalent the distance between Hudsons River & Connecticut in the upper part is above 22 Miles. The not considering the want of Equity in the Massachusets Bay which Connecticut evidently has, produced an essential error in the Judgment which the Gentlemen formed of this matter.

About the year 1675 (if I mistake not the year) the Charter of the Massachusetts Bay was by Decree in Chancery declared null and void. This Decree was never reversed, and remains in force at this time.

Thereby the Duke's title to the Lands on the West side of Connecticut River & to the Northward of the Colony of Connecticut became indisputable, and this Decree put an end to all Settlements of boundary with Massachusetts Bay if any such there were. While the Duke was thus seized of his Province of New York as far as Connecticut River, he succeeded to the Crown of England, and thereby his Province of New York became part of the Crown Lands & have ever since pass'd with the Crown.

After the Revolution the Colony of Massachusets Bay obtained a New Charter from King William by which that Colony is to extend as far *West as Connecticut.* As it nowhere appears that the King had any intention to Grant any part of his Province of New York to the Colony of Massachusetts Bay, the word *Connecticut* must mean the *River Connecticut:* & if the People of Massachusets Bay had made no Settlements on the West side of Connecticut River at that time as I am confident they had not their Charter can receive no other construction either in Law or Equity than that the Colony of Massachusets Bay extends as far Westward as the River Connecticut & no farther. By inspecting any General Map of the Northern Colonies it appears that the Colony of Massachusetts Bay cannot be bounded to the Westward by the *Colony* of Connecticut.

In my humble opinion no reason of any weight can be given why the King should not affirm his Right to the lands on the West side of Connecticut River unless it be that many families who have unwisely settled on the West side of Connecticut River would thereby be ruin'd. But if the King shall think fit to confirm their possessions to them on their paying the Quit rent established in his Province of New York they cannot in any shape be distress'd, or have any just reason of Complaint.

As the Province of New Hampshire is bounded to the Westward by the Eastern Boundary of his Ma-

jesty's other Governments the Governor of New Hampshire can have no pretence for extending his claim on the West side of Connecticut River which is the boundary eastward there of the Province of New York, especially after repeated remonstrances had been made to him by the Government of New York on this head. Notwithstanding of this the Governor of New Hampshire continues to grant Lands far to the westward of Connecticut River to numbers of people who make a job of them by selling shares in the Neighbouring Colonies, and have even attempted it in the City of New York, perhaps with success. The Quit rents in New Hampshire as I am inform'd are much lower than in New York, & this is made use of as an inducement to purchase under New Hampshire, rather than to settle under New York Grants.

The most surprising part of the Representation of these five Gentlemen is, that they should propose only a saving of those Grants in New York which extend above 20 miles from Hudson's River & were made before the Second Charter to Massachusets Bay when it is very clear that the second Charter cannot extend beyond Connecticut River, & it is not so that the first did not.

In the last place my Lords I cannot conceive on what Principles of Justice, Policy or Publick Utility these Gentlemen advise the settling the boundary between his Majesty's Province of New York and the Colonies of Massachusets Bay and New Hampshire at 20 Miles East from Hudson's River.

If all the Lands in the Province of New York from 20 Miles of Hudson's River to Connecticut River were given up the Crown would be deprived of a Quit Rent amounting yearly to a large sum, in my opinion greater than the amount of the Quit Rent of the whole that would remain and is at present received.

The New England Governments are all formed on Republican Principles & those Principles are zealously inculcated on the Minds of their Youths in opposition

to the principles of the Constitution of Great Britain. The Government of New York on the contrary is established as nearly as may be after the modell of the English Constitution. Can it then be good Policy to diminish the extent of Jurisdiction in his Majesty's Province of New York, to extend the power and influence of the others?

The Commerce of the Inhabitants on the East side of Hudson's River to a great extent Eastward probably as far as Connecticut River is with the Towns on Hudson's River, it must then be extreamly inconvenient to them to be under different Laws, different Jurisdictions & different currencies of Money.

I have no objection to the observations these Gentlemen have made as to the boundary of this Province to the Westward: & I join heartily with them in recommending a proper fund to be established for recovering his Majesty's Rights from all Intruders. It appears by the Kings Instructions to his Governors of this Province that his Majesty has been informed of great intrusions on his rights by private persons: and the Gov^{r} is directed to take all legal means for the recovering of the Kings Rights. But this cannot be done without great Expense at Law for which there is the greater reason that Provision be made, because no officer can do his Duty, without incurring the resentment of Rich & powerfull Families in this Province. I am with great Submission My Lords Your most obedient & faithfull Servant C. C.

REPRESENTATION TO HIS EXCELLENCY GOVERNOR MONCKTON FROM THE COUNCIL OF NEW YORK RESPECTING THE CONTESTED LIMITS OF THAT PROVINCE AND THE CLAIM TO TWO LARGE TRACTS OF LAND MADE BY JOHN HENRY LYDIUS.

MAY IT PLEASE YOUR EXCELLENCY

Your Excellency having been pleased to inform the Council of your intentions to embark for Great Britain, & having also intimated your desire that they should suggest such matters relative to the Interest of the Province as require the immeadiate attention of his Majesty's Ministers in order that during your stay in England, you might represent them to his Majesty in Council or take such other measures as you should judge necessary thereupon.

We beg leave as essential to the quiet of his Majesty's subjects and the prosperity of the Province, to mention the absolute necessity there is of a speedy determination of the limits between this & the Colonies bordering upon it with whom there is any dispute on this Subject—Hence frequent Tumults and the strongest Animositys have arisen among the borderers, whereby the Publick Peace hath been disturb'd, the Cultivation of the Soil neglected, and the Interest of his Majesty in Point of his Revenue of Quit rents greatly affected—Evils only to be remedied by the Interposition of the Crown by the Royal Commission, or otherwise for the final Settlement & Adjustment of the Limits of the Colonies.

The Boundaries assigned to the Province of New York under the English Government are by the grant from King Charles the Second to his Brother James Duke of York which is dated the 12th March 166$\frac{3}{4}$ expressed in these words:

"All that Island or Islands commonly called by the "several name or names of Matowacks or Long Island "situate lying and being towards the west of Cape Cod

" and the Narrow Higgansetts, abutting upon the Main " Land between the two Rivers there called or known " by the several names of Connecticut & Hudsons " River, together also with the said River called Hud- " son's River and all the lands from the West side of " Connecticut *River* to the East side of Delawar Bay."

This description by a liberal Construction is supposed to contain and include on the Continent all the Country lying between the Rivers Connecticut & Delawar and extending Northwardly & Westwardly to the Heads of Hudsons River which country is shewn by the red line in the Map presented herewith.

As far back as the Reign of James the Second in the Royal Commissions to the Governors of this Province, these words have been inserted in addition to its description in the before recited Grant "Territories thereon depending" which have been allways understood to extend the Jurisdiction of the Province Westward as far as the Banks of Lake Ontario and Lake Erie, and which is comprehended within the yellow line on the same Map.

The Colonies bordering on this Province are Connecticut, Massachusetts Bay & New Hampshire on the East, and New Jersey and Pennsylvania on the West.

In consequence of an agreement made between New York and Connecticut in 1683, afterwards confirmed by King William in Council 28th March 1700, the boundary Line of these two Colonies was run and marked in a straight Line between two Points at the distance of 20 Miles from and on the East side of Hudson's River—The only Limit of this Colony not Contested.

For altho' we have been inform'd that in the year 1664 Commissioners were appointed by King Charles the Second to settle the boundaries between this and the adjacent Colonies, who determined that a Line parallel to & at 20 Miles distance from Hudsons River on the East side thereof should divide the two Provinces of New York and Massachusetts Bay from each

other to which the legislature of the latter agreed as appears by the record of this Transaction at the Plantation Office: Yet this settlement was never carried into effect; has been rejected or not insisted on by the Province of Massachusetts Bay, is not mentioned in any of the Publick Records or Papers here, nor was introduced in the Debates on this subject at the Congress or meeting of Commissioners from both Provinces at Albany in the year 1754, and till very lately hath been utterly unknown to us.

But in conformity to this settlement as we believe the Right Hon^ble^ the Lords Commissioners for Trade & Plantations did by their Report to his late Majesty in Council on the 29^th^ March 1757 declare it as their opinion: "That a streight line to be drawn northwardly from that Point where the boundary Line between New York and Connecticut ends at twenty Miles distant from Hudson's River to another point at the same distance from the said River on that line which divides the Provinces of New Hampshire and Massachusetts Bay will be a just and equitable line of Division between the said Provinces of New York and Massachusetts Bay," tho' their Lordships did afterwards by a Second Report or opinion on the 10^th^ of May following Declare that a Streight Line to be drawn Northerly from a point on the South Boundary Line of Massachusetts Bay twenty Miles distant *due East* from the said River on that line which divides the Provinces of New Hampshire and Massachusetts Bay will be a just and Equitable Line of Division between the two Governments. With respect to which last mentioned line we beg leave to observe that if the same should be established it would not leave this Province the breadth of twenty Miles on the East side of Hudson's River, as is manifestly the intention of the first report, for as the course of the river in that part is nearly 20 Degrees Eastward of North *a due East line* is not perpendicular to the River, and consequently twenty Miles measured on a course *due East* will com-

prehend only a breadth of eighteen Miles & three quarters.

Upon the whole, if this Settlement by Commissioners in 1664 is looked upon as binding upon the part of the Crown, it seems reasonable that the Line should be run accordingly, that is, agreeable to the sense of their Lordships said Report of the 29th of March 1757, which extends this Province twenty miles Eastward of Hudsons River: But with a saving of the property of such of his Majestys subjects of this Province who claim under Grants which extend Eastward beyond the distance of twenty miles from Hudson's River, and which are prior in date to the Second Charter of Massachusets Bay, granted after their first charter was annulled by Decree in Chancery.

In regard to New Hampshire We do not know that the Limits of New York have received any alteration since the Grant before recited to James Duke of York which has fixed the Eastern boundary to Connecticut River, the Government of New Hampshire regardless of this and of his Majesty's Commission to his Governors of that Province by which it is expressly declared that the said Province of New Hampshire is to extend Westward untill it meets with his Majesty's other Governments, have advanced their Claim & made Grants within twenty Miles of Hudson's River or less.

The Jurisdiction as well as the property of the soil yet unappropriated in both Governments appertain to his Majesty: it depends on the Crown by its own Authority to fix and ascertain the Limits between them.

We are humbly of opinion that it will not be inconvenient to either Province if His Majesty should be pleased to order that the same Line which shall be established as the division between this and the Province of Massachusets Bay be continued on the same course as far as the most northerly Extent of either Province with a saving to the Inhabitants of New York of such Lands as are held by Grants under the Great Seal of that Province Eastward of Hudson's River beyond the

distance of twenty Miles: It appearing to us that such Grants made in a part of the Province of New York where there could be no doubt of its Extent Eastward to Connecticut River ought to be confirmed in preference to those of New Hampshire where they interfere with each other, as the Province New Hampshire is confined in its extent Westward to the Eastern boundary of his Majesty's other Governments. And untill his Majesty shall be graciously pleased to determine the Partition Line between these his two Provinces, it will tend to the preservation of Peace among the borderers, if the Government of New Hampshire should be confined in the Grants of Land hereafter to be made in that Province to a certain Extent Westward, we humbly conceive not beyond Connecticut River.

On the West side of the Province, the Line most immeadiately requireing the attention of the Government is that between New York and the Province of New Jersey, the Lands contested lying in the neighbourhood of a well settled Country. Laws have been lately passed in both Provinces for the Settlement of this Line in such Method as his Majesty shall be pleased to appoint, for rendering such settlement conclusive as to private property, and for defraying the Expenses thereof: It now only remains to obtain the Royal Assent to these Laws, and to sue out his Majesty's Commission, appointing Commissioners with the necessary Powers for this purpose.

Untill a few years agoe it was not apprehended any Dispute would arise between this Government and the Province of Pensilvania as to the Northern Boundary of that Province. But by a Letter (No. 1.) of the 13th of September 1751 from Governor Hamilton to the late Governor Clinton the Proprietaries seem to claim the full extent of three Degrees of Latitude which M^{r} Hamilton intimates will extend the Northern Boundary of Pensilvania not far short of the Latitude of Albany. That this claim is ill supported we think will appear

from the Grant to William Penn, Esq, from King Charles the Second dated the 4th March in the 33rd year of his Reign wherein that Province is described in these words:

"All that Tract or Part of Land in America with all the Islands therein contained, as the same is bounded on the East by Delawar River from twelve Miles distance northward of New Castle Town unto the three and fortieth Degree of Northern Latitude, if the said River doth extend so far Northwards. But if the said River shall not extend so far northward then by the said River so far as it doth extend and from the head of the said River the Eastern bounds are to be determined by a Meridian Line to be drawn from the head of the said River unto the said three and fortieth Degree, the said land to extend Westward five Degrees in Longitude to be computed from the said Eastern Bounds. And the said Lands to be bounded on the North by the beginning of the three and fortieth Degree of Northern Latitude, and on the South by a circle drawn at twelve Miles distance from New Castle northwards and westwards unto the beginning of the three & fortieth Degree of Northern Latitude and then by a streight line Westwards to the Limits of Longitude above mentioned."

Hence it is evident that that Province is confined in Express Terms to the *Beginning* of the three & fortieth Degree of Northern Latitude. And tho' by any Contest of Limits or any uncertainty with respect to the Southern Boundary, Pensilvania when extended to the beginning of the 43rd Degree may not comprehend or include three Degrees of Latitude, it does not follow that the boundary should be extended farther northward than it is expressly Limited to. Nor ought any Explanation of what was intended at the time of the Grant by the Beginning of the 43rd Degree to be admitted at this Day, from the manifest inconveniencies that must now attend such explanation if allowed of, when considerable Tracts of Land have been granted and are now possessed by Individuals as lying in this

Province which in that case might fall within the Proprietary Government of Pensilvania.

If the Proprietaries persist in the claim of three degrees of northern Latitude it will be necessary that this disputed Limit be put into the same Method of Decision as is before pointed out with respect to the boundary Line between New York and New Jersey. Otherwise a Commission need only issue for fixing the Latitude and running the Line.

Having suggested whatever occurs to us on the subject of the Limits of the Province, we cannot omit a few remarks on the claim to two very large Tracts of Land in this Province set up by John Henry Lydius which he grounds on an Indian Deed dated in 1732, signed by three or more of the Indians belonging to the six Nations. And a Grant from Genl. Shirley as Governor of the Province of Massachusetts Bay dated as is supposed in 1744, reciting the said Indian Purchase, and also reciting an order from his Majesty to M^r^ Shirley to enquire into the validity of the said Indian Purchase, and if found to have been made bona fide in that case directing M^r^ Shirley to grant the Lands included therein to the said John Henry Lydius.

As to the Indian Deed we must observe that the Indians of the six Nations at the time of this Transaction and for many years before, laid no claim to the Lands in question nor do at this day to the Lands bordering on or adjoining to those claimed by M^r^ Lydius: nor was this Purchase made by Lycense from the Governor agreeable to the invariable Custom of the Government in all cases where the Lands are claimed by the Indians.

As to the Grant, the Lands described therein are without the limits of Massachusetts Bay, and if they were included within that Province ought by the charter to have been Granted by the General Court, nor could M^r^ Lydius as he declared produce nor did he know anything of the order in virtue of which M^r^ Shirley is said to have made this Grant. All he in-

sisted on was that the Lands lay without the Limits of the Province of New York.

The Government conceiving his claim groundless and finding he persisted therein: that he had by his own confession surveyed and granted Leases of part of the Premises to above 700 Persons, who if once seated would support themselves by force which might in the event occasion bloodshed, and looking upon these proceedings in defiance of the authority of Government as dangerous to the community, therefore Ordered an Information to be filed against the said John Henry Lydius and he is under Prosecution accordingly. But as there is no fund for defraying any expense of this nature and the interests of the Crown both with respect to the property of the soil & its Revenue of Quit Rents may by this and other claims be materially affected, We are humbly of opinion it would be for his Majesty's Service, should he permit his Governor with the advice of the Council to draw out of the fund of the Quit Rents, such sums as shall from time to time be found necessary to carry on with vigor and effect, as well the Prosecution already commenced against the said John Henry Lydius, as all other Prosecutions which shall hereafter be commenced by order of the Governor in Council against any Intruder on the Crown Lands within this Province.

These observations and remarks which we only offer as hints for your information, We submit to your Excellency confident that you will do therein whatever shall appear most for the benefit and Interest of the Colony.

Dan Horsmanden
Jno Watts
Wm Walton
Oliver De Lancey
Stirling

New York 25th June 1763.

To his Excellency General Murray Governor of Quebec.

New York Oct^{r} 6th 1763.

Sir,

I take this opportunity by my Friend L^{t} Turnbull who goes from hence to join your Excellency's Battalion to inform you that your Letters sometimes came under cover to me from the Secretary of States office, while General Monckton was in this Government, which I sent to the Head Quarters here as the surest method of Conveyance. Had there been any other method, I should have desired to know your Pleasure. It will give me much pleasure to receive your Commands in this or in any other matter wherein I can serve you.

Allow me Sir, to recommend M^{r} Turnbull to your favor. I have known him ever since he came to America in which time he has preserved the character of a Gentleman and a good officer. It may be in your power to promote him as you shall discover his Merit. I am with the greatest Respect Sir Yr &^{c}.

To His Excellency Major General Monckton.

New York Oct^{r} 7th 1763.

Sir,

Since you left this place I have seen the copy of a Representation to your Excellency by five Gentlemen of the Council in which I have observed several mistakes which I think may be prejudicial to his Majesty's Interest at this time, when probably the affairs of the Colonies may come under consideration of his Ministers. I have therefore thought it my Duty to put the subject Matter of that Representation in a truer light, as I conceive it by a Letter which I write at this time to the Lords of Trade & Plantations, a Copy of which I en-

close that you may be likewise informed, & that your Excellency may be more fully apprised of what may be proper to be don.

It may not be improper to observe to your Excellency that it has been usual to send over a new Great Seal to this Province at the accession of a new King. It has been longer delayed at this time than usual & may be forgot. The Kings & Queens pictures have likewise been usually sent at the same time & some other things.

You know Sir the state of the Fort that it is needless for me to mention anything of it; but allow me to put you in mind of poor Christopher Blundell who has lost his pay by the disbanding of the Independent Companies. You know him to be an useful and careful Man. There is not any Person to take care of the stores ammunition or of anything else except himself & he continues to take care of them in hopes of being some how provided for.

The Assembly meet the 8th of next Month. I shall do myself the honor of writing to you of whatever I think you may be desirous to know. At present I have nothing to add but that I am with the greatest Respect Sir &c.

To the Hon^ble Sir William Johnson Bart.

Spring Hill Oct. 8th 1763.

Sir

I have your favor of the 20th of last Month by the Indian *Henderick Wamash* who says that several people at Fishkill and Poughkepsey owe him for some peices of Land in several places. I told him that near 40 years since the Indians of Fishkill and Wappingers were heard by Governor Burnet on a like complaint at the House of Mr Haskol near the place since called New Windsor, that then every thing was settled to the content of *Nimham* the Grand father of this Man & of the other

Indians to which this Man had nothing to reply, but owned that he was then a boy and present at the Meeting.

I told him that I could do nothing without hearing the Parties concerned for the doing of which he said he could not stay, and therefore I advised them to lay before you what they have to say upon that head & on your writing to me I would call the parties concerned before me if there appear any just reason to you for believing there is any thing still due to these People, & shall if the Council agree to it summon the Persons indebted to the Indians to appear before the Council.

But I must desire you not to send the Indians to me without necessity, because it occasions an expense to me, for which I have no allowance.

I gave directions to M^{r} Banyar to make out the Commission for Mr. Johnson as you desired. Why he has not don it I know not. As to the Blank Commissions he told me it had allways been refused by former Governors as there can be no necessity of doing it. As soon as you shall send me the Names the Commissions shall be made out.

You may assure yourself that no man can be more desirous to comply with your desire than Sir Yr &^{c}

I have been told that Margery West says that one of the Indians now here carried her away Prisoner from near Minisink last War.

To His Excellency Gov Franklin

Fort George, Oct 18, 1763.

Sir,

On my receiving a Letter from Sir Jeffery Amherst of the 15th a copy of which is enclosed for your information, I came immediately to this place & gave orders to the several Colonels of Militia on the Western frontier

of this Province to make the best disposition of the Militia under their several Commands for the defence of the frontier. Among other directions I ordered them to keep a mutual Correspondence for intelligence & to give assistance to each other as exigencies should require. I likewise directed the Colonels of that part of the Country adjoining to your Government to correspond with your officers & to give assistance when it should become requisite, informing them that I would desire similar orders from you to your officers with which I make no doubt you will cheerfully comply as it seems requisite for the more effectual defence of the Country against the inroads of the Savages.

Sir Jeffery went yesterday to Albany by water where he told me he designs to stay only some hours and then return. He intends to make use of the Five Nations to suppress the Indians that make inroads on the frontiers tho' he seems diffident in trusting them.

I intend now to remain in this Place that I may more speedily give directions on any emergency and I hope it will likewise facilitate the pleasure I propose to myself in a frequent correspondence with your Excellency.

Please to make my compliments to your Lady. I shall be glad to know that she now enjoys her health perfectly and that both she and you are well pleased with your present situation. I am very Sincerely Sir

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To Sir William Johnson.

Fort George Oct^{r} 24th 1763.

Dear Sir,

I have your favour of the 13th by the Post. Sir Jeffery communicated to me yours of the 6th to the same purpose, on which I immediately came to town with a resolution to remain here that I may give the necessary Orders. My directions to the several Colonels con-

cludes with this General one to take every prudent measure in their power for defence of the Frontiers. I must desire you to continue to inform me from time to time of what Intelligence you receive & likewise to correspond with the Colonels on the frontiers as any exigency shall require.

I cannot tell the reason why Mr Johnson's Commission has not been out before now, I shall send it with this & three blank commissions which the present exigency makes proper to be don, but I expected more particular information as to manner of forming the Troop nor can it otherwise be don. Be assured Sir that nothing gives me more pleasure than doing what is agreeable to you.

Sir Jeffery's going to Albany may perhaps produce some change of measures, it will give me great pleasure to know that your meeting has given you pleasure.

By a vessell which came in Saturday night from Bristol we learn that the Earl of Egremont Secretary of State dyed on the 22nd of August of an apoplectic fit. I am with the greatest Esteem and Sincerity Sir.

When you fill up the inclosed Commissions return the names, office & Date to be entered in the Secretaries office.

To his Excellency Sir Jeffery Amherst.

Fort George Nov. 3d 1763.

Sir

Yesterday I communicated your Excellency's letter of the 30th of last month to the Council. They advised me to send a copy of it to the Assembly at their next meeting & to inforce their compliance with it, in which I hope I shall succeed. In conversations which I have had on this subject I find it generally expected that the New England Governments should assist.

Some parts of the Counties of Orange & Ulster have

been as I am informed invaded by parties of Indians some Killed & several drove from their habitations. I told you Sir that I proposed sending some of the first raised companies to guard the frontiers of those Counties. Please to inform me whether you will allow provisions arms and ammunition while they are guarding the frontiers & Billeting money to the others as usual from the time of their enlisting 'till they shall march by your orders. I am with the greatest Sincerity & respect.

To the Right Hon^{ble} Rear Admiral Lord Colvil at Halifax.

Fort George New York Nov. 12th 1763.

My Lord

I have yours with Letters inclosed to Capt^{n} Kennedy, Capt^{n} Hawker & Capt^{n} Brown which I delivered into their own hands. The Squirel is not arrived nor can I learn where she is. It will give me great pleasure to receive your Lordships commands in anything wherein I can serve you, for I truely am with the greatest respect My Lord Your &^{c}.

To W^{m} Nichol Esq Speaker of the General Assembly.

Fort George, November 14th 1763.

Sir

I am under some doubt whether the General Assembly by their Resolves of the 10th Communicated to me, intend them only as an encouragement to 200 Men of the Militia of Ulster & Orange to perform the Duty of Guarding the Frontiers, or that a distinct body of Men should be inlisted for that service. On consulting the Members for these two Countys they were of

opinion that in the former case the Militia being under at least three distinct commands the service could not be effectually performed. In case a distinct body of Men be inlisted for this service they must have one Commanding officer over the whole, & I am of opinion that six shillings a Day out of which he is to find himself is too small an allowance for any Man fit to be entrusted with such a Command. It appears to me absolutely necessary that an allowance should be made for a Major or that the pay of one of the Captains should be enlarged who may be appointed a Captain Commandant of the whole, whose business it will be to visit the Posts from time to time & to see that the Men are properly kept out and do their Duty—to communicate orders to them & to make the proper returns & Muster Rolls & many other services which will be neglected unless such an officer is appointed. I shall be glad to know the sentiments of the House this Evening as I am informed that both the sloops for New Windsor and Esopus will sail tomorrow. I have this Day Received a Letter from Sir William Johnson, & I think it proper to communicate an Extract from it to the House. I am &.c

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To Col. Benj^{n} Tusten of Orange County.

Fort George Nov^{r} 15th 1763.

Sir

The General Assembly having Resolved to make Provision for Paying 200 Men to be raised for the Defence of the Frontiers of Ulster & Orange County to be continued till the first of May, I herewith send you Blank Warrants for a Capt^{n} & two Lieutenants which you are to give to the most proper Persons that you can find willing to enter into this service, that they may immediately set about inlisting the Men. I make no doubt that you & all the officers civil & military

will chearfully do everything in your Power to assist the officers in raising the Men. As soon as they are raised the Captn commandant shall have Orders for Placing them at the Several Posts. You will take the first opportunity of transmitting me the Names of the Persons to whom you shall give the Warrants & their Place of abode. I am &c.

To Col. Ths Ellison of the 2nd Regt Ulster County.

Nov. 15th 1763.

The same as above except the following Paragraph, viz.:

I herewith send you Blanck Warrants for a Captn & four Lieutenants. The Captains Warrant you must first offer to Captn James Clinton as he is the fittest person I can think of to be appointed Captn Commandant of the whole. In case he will not accept you must then give the Warrant to the fittest person you can find willing to accept. The Lieutenants Warrants you are to dispose of in your Regiment or in Dutchess County, according as you find Encouragement to expect the Men will be raised. I advise you to get as many Men from Dutchess as possible as thereby you will strengthen your own frontiers. I send Col. Hardenbergh, 2 Captns & 2 Lts Warts for the same use.

To Col. Jo^{s} Hardenbergh of the 1st Reg^{t} Ulster County.

Nov. 15, 1763.

The same as to Col. Ellison & Tusten except the following Paragraph, viz.:

I herewith send you blanck Warrants for 2 Capt^{n} & 2 Lieutenants one of the Capt^{n} Warrants you will offer to Capt. Van Bewren, who formerly commanded a Company in the same Service & I am told behaved well: if he does not accept you must give the Warrant to the fittest person you can find willing to accept; takeing care to avoid such as have not behaved well on the like former occasions—The other Capt^{ns} Warrant &c *as to Col. Ellison.*

To the Lords Commissioners for Trade & Plantations.

New York, Nov^{r} 25th 1763.

My Lords

At the desire of M^{r} Kemp his Majesty's Attorney General for this Province, I transmit the enclosed Papers to your Lordships. One a letter from him to myself, the other a Narrative of a conversation between him and M^{r} Temple Surveyor General of the Customs.

In Justice to M^{r} Kemp I assure your Lordships, that the Facts within my knowledge as related in these Papers are strictly true, and from the opinion I have of M^{r} Kemps veracity I firmly believe the others to be so likewise. He performs the Duty of his office with great application, Diligence & Fidelity in many cases under difficulties & hardships, from the want of a Fund for defraying the Expence which attends prosecutions in Courts of Justice, & which I humbly Con-

ceive deserves your Lordships Consideration for thereby the King's Interest must frequently suffer. I am My Lords &c.

To General Gage.

New York Nov^{r} 28th 1763.

Sir

Sir Jeffery Amherst before he went from hence made requisition by Letters to me of 1400 Men exclusive of officers to be raised in this Province for suppressing the dangerous insurrection of the Indians. 300 of them he required to be raised immeadiately to keep open the communication between Albany & Oswego and in defence of the settlements. I pressed the Assembly to a compliance with this Requisition. In answer to which the Assembly insists that the New England Governments should be called upon to assist in which case they promise to furnish their Quota of any number of Men that shall be thought necessary. They make no doubt of the concurrence of the New England Governments but in case they should refuse the Assembly promise assistance to the utmost of their ability. In the meantime they have agreed to raise three Hundred Men which Sir Jeffery demanded for keeping open the Communication between Albany & Oswego. For your more perfect information I inclose printed copies of my speech, Sir Jeffery's Letter, The Assembly's Address, the Assembly's Resolves as they are all printed in the proceedings of the Assembly.

I wait your pleasure in answer to what I now write. Nothing shall be wanting in my Power to promote his Majesty's service in this instance so necessary for the safety of this Province. I am &^{c}

To Major General the Hon^{ble} Tho^{s} Gage

Fort George Dec 3^{d} 1763.

Sir

I am now ordering Warrants for inlisting five Company's to be put under your Command, & to be sent up as soon as possible to Albany. The usual method formerly was by sending them in sloops at the Kings expence. At this season it is nowise probable that they can be sent by water, but must march by Land. Please to inform me, in what manner they are to be subsisted with Provisions on their March by land to Albany.

Sir Jeffery Amherst in his Letter to me of the 3^{d} of November writes as follows: Whatever number of men shall be raised and mustered by officers appointed for that purpose, as in former years shall of course be intituled to provisions, or money in lieu thereof from the time of their several inlistments as has been customary in former campaigns. I am with great Respect Sir.

To Sir W^{m} Johnson

Fort George New York Dec^{r} 7th 1763.

Dear Sir

Inclosed you have blank Warrants & Commissions for the officers who are to inlist & Command two Companies of fifty Men each for the Defence of Schohary & Cherry Valley, the Warrant to Hendrick Ten Eyck only is filled up, which his Father a Member of the Assembly for your County obtained of me. Please to fill up the other Warrants & Commissions with the names of such Persons as you shall think most proper for this service, informing me as soon as may be of their names & the dates of their Warrants & Commissions which are likewise left blank for you to insert.

After the men are raised they are directed by the Warrant to be mustered by such Person or Persons as you shall appoint for that purpose. The Commissions are not to be filled up or delivered till after the Companies are severally complete & mustered, & the Muster Rolls transmitted to me as soon afterwards as possible.

Please likewise to give the Captains severally such orders as you shall think most proper for the defence of those two parts of the County which they are hereby directed to obey in the same manner as from myself.

I am so much hurried with Assembly Affairs & in Writing my Letters by the Packett that I hope you will excuse my writing nothing more particularly at this time. You may observe in the Assembly's Address some insinuation of misconduct in the Indian affairs. I know not what is intended by it. I shall be glad to be informed by you if you can. I am with great Esteem & affection Sir.

To the R^t Hon^ble the Lords Commissioners for Trade & Plantations.

New York 7^th December 1763.

My Lords,

I have the honour of your Lordships Commands of the 28^th of September, October 7^th 10^th incloseing the King's Proclamation and 11^th all of them by the Packet Boat which arived the 30^th of last Month. The preceding Packet Boat I hear was lost on the coast of North Carolina in the Beginning of November.

I shall be carefull to observe your Lordships directions in my correspondence with you.

While the Administration was in my hands, I took care to send the several papers required by his Majesty's Instructions to the Governor of this Province to be sent to you. If I discover any omission it shall be supplied. Since the Assembly have taken upon themselves of late

years to appoint their own Clarke, the Governor cannot be so fully informed of their Proceedings as formerly when the Clarke was appointed by the Governor.

The next day after I received his Majesty's Proclamation I ordered it to be published in all the Counties of this Province with the usual solemnity. Strict obedience to it shall be performed on my own part, and I shall enjoin the same on all others whom it may concern.

Since the receipt of your Lordship's of the 11th I ordered the officers of the Customs to attend me when I communicated your Lordships letter of that Date to them. I assured them of my protection & support in Performing their Duty, and that I shall take like care to have them punished in case of neglect or misbeheavior in their several offices. At the same time I desired them to communicate to me any observations they have made, which they think may be of use in detecting Frauds & Illicit Trade.

Without doubt much illicit Trade is carried on in this Place & tho' more of it has been detected & punished in this Port than in any of the other Colonies, I am fully perswaded there is not less among them in proportion to their trade. That the officers in this port are more carefull than in the others, I believe from this observation that the Illicit Traders send their Vessels to the nearest Ports to the Eastward and Westward of this Port from whence they import their Cargoes with proper Clearances & certificates that the Goods are legally imported. Since his Majesty's ships of War have been stationed on this Coast this practice has been prevented by their putting hands on board suspected Vessells before they get into any Port—The Merchants in this Place complain that there is not the same care taken to prevent illegal Trade in Delawar River & to the Eastward that is in this Port, whereby the Merchants in these parts are able to undersell them & they loose their Trade, & that this Place will be impoverished while the others grow Rich.

I have lately discovered that one method taken to cover & conceal Illegal Trade from Holland (the most injurious to Great Britain of all in America) is by ships from Holland takeing in a double Cargoe, one part of which is entered and the Duties paid in Britain, the other part is pretended to be for some foreign port & is accordingly reported in the Ports of Great Britain; and I am told that whole Cargoes have been carried into some of the New-England Ports under pretence of the Ships being cleared from Holland to one of the Dutch Islands, with leave to touch in her Passage at the Port where her owners live. This saves them from the officers in case the Landing of the goods is not discovered. An Act of Parliament seems necessary to prevent this fraud by prohibiting any Vessells carrying any goods into America from Holland under any pretence without haveing first paid the Duties in Britain.

It is my constant care to perform my Duty in every case & to evince to your Lordships that I am with the greatest Truth & submission My Lords

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To the Rt Honble Earl of Halifax Principal Secretary of State for the Southern Department.

New York 8th Decr 1763.

My Lord,

Sir Jeffery Amherst by his letter to me of the 30th of October made a Requisition of 1400 Men to be raised in this Province for proceeding early in the Spring in conjunction with such Regular Troops as can be collected for reducing the savages & secureing Peace & quiet to the Settlements hereafter. He informed me that he had made a Demand of 600 Men of New Jersey for the same service: that he had likewise made a Demand of a body of Men of Pensilvania & Virginia for a similar service to the Southward. He made

no Demand of any assistance from the New England Governments.

On the 9th of November when the General Assembly met, I enforced the Generals Requisition as much as I could. The Assembly as I expected thought it unreasonable that this Province & New Jersey alone should bear the whole burden & Expense of reducing the Savages to the Northward, & therefore insisted that the New England Governments should be called upon to contribute their Quotas in which case they assured me that they would contribute their Quota of any number of Men that shall be thought necessary. The Assembly are confident that the New England Governments will contribute their proportions, but in case they refuse the Assembly Promise to exert themselves to the utmost of their ability. In the meantime they have by their Resolves enabled me to raise 300 Men besides officers which the General desired to be raised immediately for the Defence of the Settlements on the Mohawk River and keeping open the Communication between Albany & Oswego.

This Province have had for some time past 173 in pay who are Posted at Oswego Niagara & Detroit. These with the 300 Men now to be Levyed make 500 Men officers included, which is above double the Quota of this Province of 2000 Men Demanded by the General.

Besides these who are to be under the General of his Majesty's Regular Troops, the Assembly have enabled me to raise 300 Men for the defence of the Western frontier. So that there will be in all 800 Men in the Pay of this Colony. From whence it appears that this Province is not in the least backward in giving their assistance for the Publick Service.

In the Assembly's Address there are some insinuations of misconduct in the management of Indian affairs. Since the care of the Indian Affairs has been taken out of the Governors hands, I cannot write on sufficient authority, but from all that I have learned the Indians

have no where met with ill usage or any just reason of offence. On the contrary that at all the out Posts they have been treated in the most friendly manner. It was from this and the Confidence that the officers had of the friendships being reciprocal that they were so treacherously surprised. The Senekas who at this time have behaved the worst and have been guilty of the most barbarous Cruelties received during the last War their share of the large sums which have been expended in preserving the Friendship of the Six Nations; notwithstanding of this, as I am informed some of them were at the same time in every Scalping Party on our Frontiers. I am therefore with humble Submission of Opinion, that no safe & lasting Peace can be obtained with the Savages, till these Senekas at least be chastised & made an example to the other Nations. After which I doubt not, a safe and lasting Peace may be made with all the Indian Nations, if care be taken to preserve it, by doing them Justice on every occasion of Complaint.

It is needless for me to write more particularly since Sir Jeffery Amherst is gon to England. He has had better opportunities to be informed. He has taken more care to be well informed and is more capable of judging than any Man in America.

My Duty in my office, and the gratitude I owe your Lordship lay me under the strongest obligation to use my utmost endeavour to obtain the honour of being My Lord Y^{r} most obedient & faithful Serv^{t}.

To the Rt. Honble the Lords Commissioners for Trade & Plantations.

New York 8th Decr 1763.

My Lords,

The same as the preceding letter to the Secretary of State, with the addition of the following paragraph between the 4th & 5th Paragraphs of that Letter, viz.:

Inclosed your Lordships have Copies of Sir Jeffery Amhersts Letter to me of the 30th of October, My Speech to the Assembly & the Assembly's Address on the Subject of that Letter in the Printed proceedings of the General Assembly as the time of the Packets going & the hurry of publick business at that time does not allow me to send certified Copies of the Proceedings.

And the concluding paragraph of that letter omitted.

To the Rt Honble the Lords Commissioners for Trade and Plantations.

New York Decr 9th 1763.

My Lords

Your Lordships predecessors in office by their Letter to Lt. Gov. De Lancey of the 13th of June 1760 which came into my hands after his Death informed him that Petitions (of which Copies were inclosed) had been transmitted by General Amherst to Mr Secretary Pitt who having by his Majesty's Commands referr'd them to your then Predecessors, they made a full representation to his Majesty thereupon. They observed that the Limits of the Land petitioned for are very loosely and vaguely described, but as it is clear that it is meant to comprehend Lands as far Westward as Fort

Edward they think it would not be adviseable to make any farther Grants in that part of the Country at least not to the Eastward of the Lakes until his Majesty's Pleasure be known upon the above mentioned Petitions.

In consequence of these orders, I refused numbers of People while the Administration was in my hands, who applied for Grants of Lands which I suspected to be within the Limits of the Land described in Major Skene's Petition, and I am inform'd that General Monckton while the Administration was in his hands declared his intentions to be the same with mine.

General Amherst after the reduction of Crown Point haveing begun a large & extensive Fortification there I conceived that he designed it for a barrier hereafter against the French in Canada & it was generally presumed in this Place from some discourse with the officers of the Army that the General designed to have a separate Government erected there, & to have the Lands settled after the Peace by the disbanded soldiery, but Canada being afterwards conquered & at last ceded by the Treaty of Peace to Great Britain, these views of the General are at an end.

Sir Jeffery Amherst at no time intimated to me his Intentions in respect to the Lands mentioned in Major Skene's Petition & Major Skene haveing gon on the Expedition to Martinique without makeing the least application to me or in any manner signifying his intentions of settling & improving these Lands, & I not knowing that he had made any the least improvement upon them, I concluded that he had dropped his design untill last Summer that he applied to me for a Grant of the Lands contained in his Petition the copy of which had been transmitted to me. I told him that I could not consistently with his Majesty's Instructions grant to one Man any such large Tract, nor where the boundaries are so vaguely uncertainly described, nor where the quantity of land to be contained in the Grant is not ascertained & advised him to take the Regular Steps used in this Government for obtaining

a Grant of the Lands whereon his improvements are made. At the same time adviseing him to have the Lands whereon his improvements are made previously surveyed, for which purpose as soon as he should desire it, I would give orders to the Surveyor General of Lands to have the same don and I promised in the meantime not knowingly to Grant any Lands which he had improved: Notwithstanding of this he has neglected above three months to have any such survey made, and now is gon to England.

It was at the time last summer when he applied to me that I first heard of his haveing made any improvements, at which time likewise he informed me of the great Expence he had been at in makeing his improvements. After this I resolved heartily to serve him as much as in my power in consequence of which he preferred a Petition of which a copy is enclosed which I laid before the Council for their consent to the Granting of the Lands.

One Tract granted while I had the administration and two others which the Council had advised General Monckton to Grant one to Capt^{n} Joseph Walton & other officers of the Artillery & the other to the Provincial officers in this Colony who had served in the late war, happened to interfere with the Lands which Major Skene says are mentioned in his Petition. That they did interfere was certainly unknown to me and I believe to General Monckton & to every officer of this Government by reason of the vague description Major Skene had given of the Lands, and no surveys made in that part of the Country before these tracts were granted.

However as Major Skene informed me that the Tract which the Council had advised and consented to be Granted to Capt^{n} Walton & the other Artillery officers included some part of his improvements and farther proceedings had been made, either for a survey or grant of these Lands I endeavoured as much as I could to obtain the Councils consent to have that part which

Major Skene had improved excepted out of the Grant to the Artillery officers but without effect unless the artillery officers consented, in which case they were to have as much added out of the adjoining lands as they should yield to Major Skene, as by the report of a Committee of Council, a copy of which is inclosed.

The reason of the Councils Refuseing Major Skene this favour so far as I can recollect was from an opinion that Major Skene's Improvement bore no Proportion to the expence he said he was at, & at that place were triffling. They were confirmed in this opinion by his haveing neglected to have a survey made of his Improvements, and they were of opinion that the Granting him & his associates 25000 Acres in another Place which he named was a sufficient recompense for all the Improvements he had actually made. To which must be added that the Promise made by this Government to the officers of artillery ought to be strictly observed.

I am sincerely inclined to favour Major Skene, but by his conduct he put it in a great measure out of my power. Now the obtaining of his Request rests upon your Lordships pleasure, & I beg that it may be signified as soon as you shall think proper, for while Major Skene keeps up his pretensions to so great a Tract of Land as is contained in his Petition, remaining in your office and the Governor is restrained from Granting any part of it, the Reduced officers who now apply for Grants of Lands in pursuance of his Majesty's Proclamation will complain and think themselves ill used or unfairly dealt with. I am in this as in every other case with great Submission, My Lords &c.

To Sir Jeffery Amherst, London.

By favour Captr Clarke 77th Rt

New York Decr 10th [1763.]

Sir

Haveing the opportunity by Captn Clarke who goes in the Packet and designs to wait on you as soon as he gets to London, I cannot forbear expressing the longing desire I have to know that you are safe arrived and that you meet with every thing as I wish.

Our Assembly have enabled me to raise the 300 Men you required for the immediate defense of the settlements on the Mohawk River & secureing the communication between Albany & Oswego. As to the other part of your demand they declined proceeding in it till the New England Governments be called on for their assistance.

Tho' the Bill granting the money for this purpose has not passed the Council & has not obtained its Legal force, I have already begun to Levy the Men & I expect to have one Company Complete before the end of next week, that I may send them to Albany before the River shuts up with Ice.

Governor Franklin is entirely disappointed in his expectations. His Assembly is broke up without enabling him to raise one Man for the service you required. I am told it is occasioned by some Information received from the Quakers at Philadelphia who pretend to say from good authority that the Ministry disapprove of Hostilities against the Indians & that Peace will be made in an amicable manner.

General Gage told me that he intends to call on the New England Governments for Assistance. You know what our Assembly has promised me in that case. No news from Detroit since you went. I am with the greatest Esteem & Respect.

COPY OF THE CERTIFICAT ON THE COPY OF THE MANDAMUS TO ADMIT CHARLES WARD APTHORP OF THE COUNCIL IN THE USUAL FORM & DATED THE FIRST OF SEPT^{R}. 1763.

St. James's February 20th 1764.

I do hereby certify that the above writing is a true copy of the entry made of the Original Mandamus in the Books of the Earl of Hallifax's office.

Witness my hand

JN^{O} LARPENT.

TO SIR WILLIAM JOHNSON, BAR^{T}.

Fort George, 19th Dec^{r} 1763.

DEAR SIR,

I have your favour of the 5th of this Month, & I am glad to hear from you of the good disposition of the Indians. No doubt you are informed of what is passed at Detroit & Niagara. The want of ammunition & the necessity of their hunting at this Season made the Indians at Detroit sue for Peace: has not the same want put the Five Nations into better Humour than they were. I am therefore of opinion that the Indians cannot be provided too cautiously with Ammunition at this time. They should know and feel that they cannot live without us. There is a necessity of making an example of the Ganessios by chastiseing of them, otherwise we shall never have a safe Peace. Nothing but Fear can restrain the fierce cruel & rapacious Spirit of the Indians, & if they pass with impunity, after the barbarous Murders they have committed at this time without provocation, the effects of this spirit will upon every occasion break out anew. If our friend Indians be not cautiously furnished with ammunition they will from their store furnish the Enemy & our Traders cannot be too carefully look'd after for this purpose.

If you judge from the present disposition of the Enemy that there is no need of any guard at Schohary & Cherry Valley you may save the Province this Expence by putting a stop to the inlisting of Men for the defence of these two places, & certainly the Province ought not to be put to any unnecessary Expence.

I communicated your former Letter for putting the militia on a footing to make them more usefull to the Assembly at their first meeting they are now ready to break up, so that it would be to no purpose to lay any thing before them at this time.

The Commissions you desire shall be sent by the next Post. When I do anything which pleases you it gives great pleasure to myself in doing it for I am with great Sincerity & Esteem Sir.

To The R^t Hon^ble The Lords Commissioners for Trade & Plantations.

New York, Dec^r 19^th 1763.

My Lords,

Since my last of the 11^th of this Month by the Packet, we have received advise from Detroit that on the 13^th of October the Indians sent in to sue for peace. After several conferences at last a cessation of Arms was agreed till the Generals Pleasure shall be known in May next, the officer Commanding haveing told them that he had not power to make Peace. A large detachment of 600 men set out on the 19^th of October from Niagara. On the 7^th of November they were drove ashore in Lake Erie by a storm of Wind at which time they lost 70 Men, 3 officers included, had their ammunition & Provision Spoild & for that reason resolved to return to Niagara, tho' they had got two thirds of their way to Detroit. The Commanding officer at Detroit received an Account of this misfortune by two faithfull Indians who carried a Letter to

him. On which he sent 240 Men back to Niagara retaining 212 haveing only provisions sufficient for that number till the first of July next.

The want of ammunition & the necessity the Indians were under to go to hunt at that season was the occasion of their sueing for Peace. Notwithstanding of the fair promises the Indians have made, the commanding officer thinks their sincerity is not to be depended on, if they can procure ammunition from the French. Early last Spring they sent a large Party down the Mississipy to New Orleans with a large quantity of Bever to purchase Ammunition.

The Indians affirm that they were incited to this general insurrection by the French in Canada, that it is above two years since the Belts were first sent among them for this Purpose, since which time they were carried from Nation to Nation in order to form the general Conspiracy. The Indians as I am inform'd affirm that they were at first incited to this Conspiracy by some of the Principal Men in Canada, whom they have named with others, the Vicar General & St. Luke le Corn, the last is now in Canada. The Indians say they had a very considerable supply of Ammunition from Canada by the Outawa River by which rout they avoided all our Posts.

Sir William Johnson by his Letter of the 5th of this Month informs me that there were then with him upwards of 120 of the five Nations and many more hourly expected, those present have made the most solemn assurances of their unalterable attachment to the English, their intention to communicate from time to time all intelligence of the Enemy's Designs & Motions, as well as their resolutions to accompany his Majesty's Troops the ensuing Campaign whenever their presence may be required. The advantages resulting from such assistance are clear to me (I copy the words of Sir William's Letter) & must appear to all acquainted with their abilities & usefulness in the woods. I therefore spare no pains to cultivate this good Understand-

ing by good treatment and Favours, which are highly necessary at a time when they are not without the strongest inducements to partake of the Plunder of our Frontiers, & the greatest apprehension of their suffering by their attachment to us. So far I copy Sir Williams words.

It is not long since Sir William gave me a very different Account of the disposition of the Five Nations. Is it not most probable that this change has arisen from their knowledge of what has pass'd at Detroit & from their being Sensible (they now feel) that they cannot live without us since their supply of ammunition has been prevented? For this reason in my Letter of this Days date, I advise Sir William to be cautious in supplying the Indians with Ammunition, & I am confident they will at all times be as willing to give intelligence to the Indians as to us.

I am humbly of opinion that we can never be secure against that fierce, cruel and rapacious spirit natural to the Indians without making them affraid of Punishment & this may be done by chastiseing the most obnoxious & ungratefull Nation the Senekas.

I am surprised to find it repeatedly asserted in the English News Papers that the present insurrection has been occasioned by the Indians haveing been cheated of their Lands by the English in America. I can assure your Lordships that there is not the least ground for this assertion & that as to this Province it has happen'd without any provocation on our part so far as I have heard at least, & I believe to be true.

I am obliged to write this while the ship which carries it is ready to Sail & therefore I must beg your Lordships excuse of inaccuracy. I forgot to mention another proofe that the late insurrection of the Indians was by instigation of the French. All our Traders who had been seized by the Indians and made their escape affirm that when they told the Indians it was peace, they constantly answered it was a Lie. The French assure them there is no Peace. On the contrary that

a great French Fleet & Army are comeing if not already arived at Quebeck.

No doubt General Gage has inform'd the Secretary of State by this Opportunity more particularly than I can inform your Lordships, but I think it my duty to inform you of every thing which I think you may be desirous to know. I have the honour to be with great Submission My Lords.

To Major General the Hon^{ble} Thomas Gage.

Fort George Dec^{r} 19th 1763.

Sir

I am extreamly oblidged to you for Communicating the Intelligence you have from Detroit and Niagara. Sir William Johnson by his Letter of the 5th of this Month informs me that he has at that time upwards of 120 Indians of the 5 Nations with him & many more hourly Expected. Those present have made the most solemn assurances of their unalterable attachment to the English: their Intention to communicate all Intelligence of the Enemys motion and designs & their resolution to accompany his Majesty's Troops the ensuing Campaign.

This probably is in consequence of what has passed at Detroit & from their own want of Ammunition, & in consequence of this they must soon want every necessary of Life, I am with great respect.

To the Rt Honble The Earl of Hallifax Secty of State.

Original by Mr Ross's Ship, Duplicate by the Ship York—Sailed.

New York, 22nd Dec. 1763.

My Lord

In October last Sir William Johnson wrote to me that the Indians every where were in a very bad disposition, and added that he was informed they intended to make inroads on our Frontiers. In consequence of this Intelligence I put the Frontiers every where in the best posture of defence I could whereby their incursions on any part of the Province has been prevented. On the 18th of this month I received a Letter from him dated the 5th in which he informs me that he had then with him upwards of 120 of the Five Nations & many more expected, that they are in the best disposition, they assured him of their attachment to the English & their readiness to join the regular Troops the ensuing Campaign against the Enemy Indians.

This sudden change in the Five Nations is certainly owing to two things. First that the Enemy Indians at Detroit of whose success they seem to have been confident, had sued for Peace, & had obtained a cessation of Arms from the Commanding officer there, till such time as the Generals pleasure shall be known next Spring. The other is the general want of ammunition among the Indians, & that their arms in a little time must become unfit for service. These two last are in our power, & by proper care must in a short time reduce the Indians to the necessity of accepting Peace on our own Terms.

But before I proceed farther I think it proper to inform your Lordship of the different state of the Policy of the Five Nations in different periods of time.

Before the Peace of Utrecht the Five Nations were

at war with the French in Canada, & with all the Indian Nations who were in friendship with the French. This put the Five Nations under a necessity of depending on this Province for a supply of everything by which they could carry on the War or defend themselves, & their beheaviour towards us was accordingly.

After the Peace of Utrecht, the French changed their measures. They took every method in their power to gain the Friendship of the Five Nations, & succeeded so far with the Senekas who are by far the most numerous, & at the greatest distance from us that they were entirely brought over to the French interest. The French obtained the consent of the Senekas to the building the Fort at Niagara situated in their Country.

When the French had too evidently before the last War got the ascendant among all the Indian Nations, we endeavored to make the Indians jealous of the French power, that they were thereby in danger of becoming Slaves to the French unless they were protected by the English. Since the Conquest of Canada the French have turned our own arguments against us to raise a Jealousy in the Indians of our designs. By sending of Belts from Nation to Nation since the conquest of Canada, & furnishing the Indians privately with large quantities of ammunition & arms from Canada this general Conspiracy was form'd, by their assuring the Indians at the commencement of their hostilities that no Peace was made, nor would be made till Canada was restored, & that a great fleet and army was coming from France to reduce Canada, & probably was at that time before Quebec.

The Indians at Detroit being at last convinced that Peace was made, & that Canada is ceded to Great Brittain, & their ammunition becoming scarce, so that they could not have sufficient for their Hunting, which at that season became necessary they sued for Peace at a time very fortunate for the Garrison at Detroit, when by reason of many misfortunes in their supplies, they soon

would have been reduced to a necessity of abandoning it. These particulars I have learned from the officers who have lately returned from Detroit & of which no doubt your Lordship will be particularly inform'd by General Gage. From these & from numerous circumstances your Lordship will Judge of the truth of what I now relate.

I think it my Duty with humble Submission to give my Sentiments of what may be proper to be done. I think it adviseable to make Peace with the far distant Indians at Detroit as soon as it can be properly done. That for the more effectual doing of this all Trade with them from Canada during the next Summer be prohibited. Thereby the Indians will more effectually feel the necessity they are under of our Friendship for their Subsistnce. This war with them is carried on with great loss of brave Men & heavy expence of Money, & if the Indians lose hopes of our friendship they may accept of the late invitation of the French Governor at Chartres on the Mississipy, wherein he promises them fine hunting grounds on the west side of that River & free Commerce.

It seems proper that the Posts at Detroit & Missilimakinak be continued & properly supported otherwise the French on the Missisipi may carry on designs among these far distant Indians, pernicious to the British Interest & safety of the Colonies, without our being able to discover them.

That all Trade with the Indians be in an open Market under the cover or protection of the Fortified Posts. The Indians are tempted to plunder the Traders scattered about in their Countries & in consequence murder them from whence new broils arise.

Notwithstanding that Peace with the Indians appears to me so desirable yet I think it necessary to chastise the Senekas who have been the most mischievous, have behaved with the greatest Treachery & most ungratefully. This I think necessary for the future safety of the Inhabitants of our Colonies for if the Indians who

live nearest us are not affraid of Punishment, & that fierce spirit natural to them be not subdued it will on every opportunity break out into outrages. At the same time it is necessary to have some certain method Established for their obtaining Justice in a Summary way on every just complaint.

I hope very soon to have the five Companys Completed which are at this time in the Pay of the Province for keeping open the Communication between Albany and Oswego.

I flatter myself your Lordship will pardon the Liberty I have taken of giving my Sentiments on matters of such consequence, for it is done with absolute submission by My Lord.

P. S.—to Dupl^{te} Dec. 27th. Nothing new from Sir W^{m} Johnson or from Detroit.

To Major W^{m} W. Hogan at Albany.

N. Y. 27th Dec^{r}. 1763.

Sir,

I have received your Letter of the 21st Instant. Provision is made by an Act passed the last Sessions of Assembly for continuing the 173 Men under your Command in pay till the 1st of May next; & for allowing the Non Commissioned officers & Privates £5 for provideing themselves with cloathing. You will therefore immediately endeavour to complete the number of 173 Men, the Recruits will be intituled to the £5, for cloathing, It is useless to keep such men as are unfit for service, you will therefore discharge them, but they are not intituled to the allowance for cloathing. What may farther be don to promote the compleating your company shall be thought of when you come down to this place for which you have my Leave. Your comeing as soon as possible may be of use to consider the

means of completing your company. It is needless to send up your Commission of Major to the new Battallion, as I shall now expect you down soon. I am Sir

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To Sir William Johnson Bar^{t}.

Fort George Dec^{r} 28th 1763.

Dear Sir,

In my Letter of the 7th of this Month among other Papers I inclosed to you a copy of the Kings Proclamation of the 7th of October last. Among other things in that Proclamation it is directed that every Person who may incline to trade with the said Indians do take out a License for carrying on such Trade from the Governor and Commander in Chief of our Colonies where such Person shall reside and also give Security &^{c}. I shall be glad to know your sentiments on this subject & how it is most properly to be put in execution. In the meantime as I am fully perswaded from the informations which I have received that a principal reason of the Indians sueing for Peace at this time is from their want of ammunition & the stop which has been put to Trade among them, whereby they begin to feel that they cannot subsist without us, nor defend themselves against our resentment. I am of opinion that you cannot be too cautious in preventing their being supplied with ammunition or indeed any necessaries until such time that Peace be made with them upon the most certain and secure foundation: after which they may be assured that they will be accommodated with everything they want & be treated in the most friendly manner. After what has passed they must not be allowed to trifle with us as they have too often don but give the most solid security of their faith & sincerity.

The treacherous & cruel behaviour of the Indians of late has so irritated all ranks of people in the Colonies that if they do not prevent it by a sincere repentance,

they will soon feel the weight of a very sincere resentment. I am at this time Solicited to send out a number of Volunteers to chastise the Indians on the Susquehanna who have lately made inroads on Pensilvania near our Frontiers, but I would not consent to it while the Indians are treating with you, & without consulting you as to the number of men sufficient for that purpose, & the probability of success as likewise what may be the most proper Methods to be taken.

I shall long to hear the success of your Treaty & your Opinion of the Matters on which I desire your advice for which I shall at all times have the greatest Regard. I am with the most sincere esteem & friendship Sir.

To General Gage.

Fort George Jan^{y} 9th 1764.

Sir

Inclosed is the advise of his Majesty's Council of this Province in regard to the Indians the Governor of Pensilvania is sending hither, & who by this time may be near or at the Ferries for this Place. In pursuance of this advice I am now preparing Orders to prevent their being admited into this Province. As I am informed that the Indians are escorted by some of the Regular Troops I must submit to your pleasure whether it be proper for you to direct those Troops to escort them back to Philadelphia the place from whence they came. I am apprehensive they could not pass through this Province without a strong escort to defend them from the Inhabitants whose minds are greatly irritated against the Indians. I am with the greatest Respect Sir

To Sir William Johnson Bar^{t}.

Fort George New York Jany. 9th 1764.

Dear Sir

Last night I received your kind & oblidging Letters of the 24th & 30th of last Month with your Sentiments of the present state of Indian Affairs & the properest method to be pursued with them. It gives me great pleasure to find that your measures have received an approbation so very honourable to you. It is a misfortune that Sir Jeffery Amherst when he went from this place did not seem to agree in the same Sentiments with you.

Since my last to you which was of the 28th of last Month I have received a Letter from the Earl of Hallifax dated October 19th in which I have received the following Orders: "I am therefore to signify to you "his Majesty's Pleasure that you earnestly recommend "it in his Majesty's name to the General Assembly "of the Province under your Government forthwith to "make Provision for enabling you to call out a suf- "ficient number of the Militia, or to raise such a rea- "sonable number of Troops as from the actual state of "the Indian war Sir Jeffery Amherst shall think neces- "sary, and to employ them not only in defending & "protecting the Lives & Properties of his Majesty's "Subjects on the frontiers of your Government, but "likewise in acting offensively against the Indians at "such places & in such manner as the said Commander "in Cheif shall think proper & direct."

I wish heartily that the Chenessios may be brought to such a Submission as to make offensive measures against them unnecessary.

Since I had wrote so far I received a Letter from Governor Pen in which he informs me that he was sending a number of Indians (about 140) to pass through this Province to you. As I am told there is a Letter from him to you in the Post office, I need be

no more particular than only to inform you that the Council have unanimously advised me not to admit them to come into this Province, so that you will not in all probability be troubled with them at this time.

This was very unexpected to me, & I believe to the General & has taken up so much of my time till late this night, & haveing stop'd the Post to inform you of the Resolution of the Council, I have not time to write in answer to any other parts of your Letter than what I have done. I am with very sincere respect Sir, &c.

To Governor Penn.

Fort George New York Jan^{y} 10th 1764.

Sir

Yesterday about One afternoon I received your letter of the 5th Instant, & immediately called his Majesty's Council of this Province for their Advice thereon; the result thereof you will see by the inclosed Minute of Council. I have accordingly sent Orders to the Magistrates of Richmond County, not to suffer those Indians to enter this Province.

The Indians on the East side of the Susquehanna are the most obnoxious to the People of this Province of any haveing don the most mischeif. They consist of a number of Rogues & Theives runaways from the other Nations, & for that reason not to be trusted. I could not be assured that these Indians can safely pass thro' this Province without an Escort which could with great difficulty & expense be obtained at this Season of the Year. The Minds of the People are so generally irritated against the Indians living on the northeast Branches of the Susquehanna that a number of Volunteers were proposed to me to go out against them to punish them for their Cruelties & Perfidy.

If you shall think proper to send two of these Indidians with some discreet Person to conduct them to Sir

W^m^ Johnson they shall have my pass for that purpose.

I think it a misfortune that our correspondence should begin in this manner, for I am sincerely & heartily disposed to serve the People of Pensilvania, & you Sir may be assured that I am with the greatest Regard & Respect Sir

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To The R^t^ Hon^ble^ The Lords Commissioners for Trade and Plantations.

New York Jan^y^ 21^st^ 1764.

My Lords,

Since the Writeing of my Letter of Yesterday's date, inclosed, reflecting that I had been no otherwise informed of the Proceedings before your Lordships predecessors in office in relation to the boundaries between this Province & the Colonies of Massachusetts Bay and New Hampshire, but by haveing obtained a few weeks since copies of those proceedings which M^r^ Charles had transmitted to the Assembly of this Province, I think it my Duty to inform your Lordships that M^r^ Charles has no authority from this Government to appear as Agent. He has no instructions from the Governor or Council, the design of the Assembly being that he should act independently of them. He has no other Publick appointment but by a Clause annually inserted into an act by which the Governor and other officers annually receive their support. And this is only don in that Act by a Clause giveing him a Salary, to which the Governor could not refuse his assent without risqueing the loss of the support of all the Officers of the Government.

It is no wonder then that your Lordships Predecessors should not be well informed of his Majesty's Interest in this his Province while they trusted to the information of a Person no wise Instructed thereon, or

authorised by this Government. It is true that Mr Charles in conjunction with Sir William Baker, in some Cases for receiving Money Granted by Act of Parliament to the Colonies has been fully empowered to act as Agent of this Government, but in no other which I remember.

I think it proper likewise to inform your Lordships, that every free Man in the Charter Governments thinks that he has a Personal undivided interest in the Lands within the limits of their charter, & for that Reason the Assemblys of those Colonies are very assiduous in promoting their Interest by inlarging their boundaries. It is otherwise in this Province where the Right of Soil is in the Crown the Assembly thinks the Kings right not to be immediately of their concern, but of the Kings Governor.

As I have no objection personally to Mr. Charles I intend to write to him on the subject of my Letter of Yesterday that in case he will take the trouble of an affair for which he has no allowance from the Assembly, he may thereby recommend himself to your Lordships favour.

It is my constant endeavour to evince that I am with great Submission. My Lords.

To Major General the Honble Rt Monckton.

New York Jany. 20th 1764.

Sir

Captain Hawker of the Sardoine sloop of war made a seizure of a ship & cargoe & came to inform me that he intended to claim one half for himself officers and crew. I answered him that by the statute by which the ship and cargoe are forfeited, one third is given to the Governor & that I could not consent to give up the Rights of the Governor. That no part or clause of the Statute by which only the ship and cargoe is for-

feited is repealed by the late statute under which he claims a moiety However that without giveing myself any trouble I must leave the matter to the Court in which the vessel shall be condemned.

Not satisfied with this Captain Hawker went to the Attorney General and M^r^. Smith, Jun. for their opinion which they gave in writeing a copy of which I enclose. This not being favorable to Capt^n^. Hawker's pretensions I suppose that he informed Admiral Lord Colvil of it who on that occasion wrote a warm letter to the Judge of the Admiralty which either intimidated or made him so cautious that he did not as usually Decree one third of the forfeiture to the King, one third to the Gov^r^. & the remaining third to the Prosecutor but in general terms *To his Majesty & such Persons as are intituled to the same pursuant to the several Statutes in such cases Provided.* The Vessel & Cargo could not otherwise be forfeited than by the statute which gives one third to the Governor.

In consequence of this Decree I am informed the money ariseing from the sale of the forfeitures is to be lodged in the Collectors hands who it is said will retain the same until he shall receive directions from his superiors for the distribution of it. As this matter concerns you Sir, & future Governors more than it can do me, during the short time I expect to hold the Administration, I think it my Duty to inform you of it that you may take such care of your own interest & of the Governors of this Province as you shall think proper.

I shall only take the liberty to observe that as the Governor is sworn to observe the Laws of Trade & has a large body of directions on that head, this case gives him more trouble than any other part of his administration & therefore I presume his Majesty does not intend to deprive his Governor of any reward of this service which the Law gives him. Notwithstanding that the Gov^r^. retains the third of the forfeiture given by Law the Capt^n^. officers & Crew of his Majesty's ships may receive one moiety out of the two thirds to the

King & the Prosecutor if his Majesty shall please to order it so. I am with great respect &c

P. S.—I am informed that in a similar case the Judge of the Admiralty at Boston has lately Decreed one 3rd of the forfeiture to the King, one other to the Govr. & the remaining third to the Prosecutor.

[To Sir William Johnson.]

Fort George, New York, Jan. 23, 1764.

Dear Sir,

I shall be very desirous to know that you are quite recovered of your indisposition you complain of. It would be a wonder to me if you could hold out under the fatigue unavoidable with Indians without complaining.

The humour of going out against the Indians is abated or rather quite over. I did not encourage it, as I expected nothing from it, tho' I did not [think] proper to oppose it.

I perfectly agree with you in your Sentiments in relation to the Indian Trade in every point.

You certainly may commit to Jail any person who shall sell Ammunition to any Seneka that Nation being in open Hostility. It is comforting and succouring his Majesty's Enemy's which is high treason.

The Gentlemen who have Commissions both in the Provincial Service & in his Majestys Army apply for lands according to their rank in the Army only. They obtain a Certificat from the General of their Rank & that they are Reduced, which they deliver to me with a Petition for a grant of the quantity of Land allotted to their rank by the King's Proclamation. I have already received Petitions for above 60 or 70,000 acres, all on the East side of Hudsons River between that & Connecticut River.

It will give me particular pleasure to serve Mr Johnson, every one who Petitions fixes the place where he desires & in this the first Petitioner has the preference.

This is all at present in answer to yours of the 12th of this month which I received last Night.

The Commissions you desired in your former, will be ready by next Post. I am with very affectionate Esteem Sir Yr

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To Sir Jeffy Amherst.

New York Jany 25th 1764

Sir

In my letter by Captn Clarke I informed you that I hoped soon to complete the five Company's which our Assembly had enabled me to Raise on your Requisition. They are now complete, & I expect by this time in the Mohawks country. The Assembly of Pensilvania have fully complied with your requisition, if no difference happen between their Governor and them in the method of raiseing the Money. The Minds of the People are so universally exasperated against the Indians that the Assembly could not refuse without endangering the peace of the Country.

The Assembly of Massachusetts declined to take Genl Gages requisition under consideration as it was become now unnecessary (they say) by Peace being made with the Indians. The Gov. had not at that time Received Lord Hallifax's Letter of the 19th of October. I have heard nothing of Connecticut or Rhode Island.

Soon after you went from this Sir Wm Johnson had a conference with the Indians. He informed me that 230 of them were present, were all willing to go against the Shawanese or Delawares. Some of the Chenessies were present whom he chid severely.

In his Letter of the 12th of this Month he writes to me that a greater number of Chenessies had come to him with a greater number of the five nations—300 in

all. The Chenessies made no Submission, but are willing to go against the Enemy Indians. I suppose the Indians are all desirous to be furnished with arms & ammunition under that pretence.

I expect nothing farther will be done here till his Majestys Pleasure shall be known after your arrival at Court.

It may be of use to me to know at what time I may expect Mr Monckton's Return. The best wishes attend you of Dear Sir Yr

This goes by the Aberdeen.

To the Right Honble The Lords Commissioners for Trade & Plantations.

New York, 20th January 1764.

My Lords

The Dispute subsisting between this and his Majesty's Government of New Hampshire, respecting their boundary oblidges me to lay the state of this matter before your Lordships.

In April 1750 Governor Clinton communicated to the Council a Letter of the Seventeenth of November from Mr Wentworth Govr of New Hampshire representing that he had it in command from his Majesty to make Grants of the unimproved Lands in New Hampshire and desiring information how far north of Albany this Province Extended and how many miles east of Hudsons River to the northward of the Massachusetts Line that he might govern himself accordingly—As also an Extract of his Majesty's Commission to Mr Wentworth describing the boundaries of that Government. By the advice of the Council Mr Clinton informed Mr Wentworth in answer to his request that this Province is bounded eastward by Connecticut River, the Letters Pattent from King Charles the Sec-

ond to the Duke of York Expressly Granting all the Lands "from the West side of Connecticut River to the East side of Delaware Bay."

M^r^ Wentworth in his Letter of the 25^th^ of April says that he had communicated to his Majesty's Council of that Government the above opinion of the Council of this Province which he declares would have been satisfactory had not the two charter Governments of Connecticut & Massachusetts Bay extended their bounds many miles to the Westward of Connecticut River and Desires to be informed by what Authority Connecticut and Massachusets Governments claimed so far to the Westward as they had settled, and acquainted Governor Clinton that before the Receipt of his Letter of the 9^th^ April, he had granted a Township due north of the Massachusetts Line of the Contents of Six Miles Square & by measurement Twenty-four Miles East of the City of Albany. Upon Governor Clinton's laying this Letter before the Council they advised him to inform Governor Wentworth that the claim of the Government of Connecticut is founded upon an Agreement with that of New York in the year 1683, afterwards confirmed by King William. But as to the Massachusetts settlements so far to the westward, it was presumed they were first made by intrusion & since continued thro' the neglect of this government. And that it was probable the Lands within the Township he had lately Granted or some part of them had been already Granted by the Government of New York.

In July 1750 M^r^ Wentworth's letter of the 22nd of June preceding was laid before the Council, declaring that his Majesty's Council of that Province were unanimously of opinion not to commence a dispute with this Government respecting the extent of Western Boundary to New Hampshire until his Majesty's Pleasure should be farther known, and accordingly the Council had advised that he should on the part of New Hampshire make a representation of the matter to his Majesty relying that M^r^ Clinton would do the same on the part

of New York. To which proposal this Government agreed adding that it would be a measure for the mutual advantage of both Provinces that the Copies of the respective Representations to be made to his Majesty on this Head should be exchanged.

On the 2nd September Mr Wentworth signified the Assent of his Government to the last mentioned proposal, as it might contribute to the speedy Settlement of the boundary between the two Provinces and assured Mr Clinton that he would transmit to him a copy of the representation he should make in behalf of New Hampshire as soon as perfected.

I find the Representation on the part of New York was not approved of by the Council until the 18th of October 1751, when it was entered on the minutes together with a Letter of mine on the same subject. But before this period Mr Wentworth had in his letter to the Board of Trade of the 23rd of March 1750/1 suggested to their Lordships what he thought proper to urge on this subject in behalf of his own Government without transmitting any copy thereof to Governor Clinton.

Thus the matter rested according to my information until the incursions of the Indians into this Province immediately preceeding the late War put an entire stop to any new Settlements and rendered both governments less solicitous to bring this controversy to an Issue, the Government of New York confiding that the Government of New Hampshire after what had passed would not venture to make any further Grants until his Majesty should be pleased to determine the Limits between his two Provinces as such Grants where they might interfere with those of New York must be considered as a mere nullity.

But how great was the surprise of this Government when they lately discovered that New Hampshire had since the transaction above recited granted upwards of thirty, some affirm one hundred and sixty Townships each of Six Miles square westward of Connecticut

River: a Fact which had probably been still concealed from the knowledge of this Government, had not the Grantees or Persons employed by them travelled thro' all parts of this and in the Neighbouring Province of New Jersey publicly offering the Lands to sale at such low rates as evince the claimants had no intention of becoming settlers either from inability or conscious they could derive no Title to the Lands under the Grants of New Hampshire.

To prevent therefore the further progress of this Mischief by informing the People of the true state of the Claim of the two Provinces, His Majestys Council unanimously advised me to issue a Proclamation asserting the ancient Jurisdiction of this Province to Connecticut River, a Copy whereof I have the honour to inclose to your Lordships.

The Claim of the Government of New Hampshire to within Twenty Miles of Hudsons River being founded solely on the Example of Connecticut and the Massachusetts Bay. It will be necessary to consider the right of these two Governments to that boundary.

The Limits of Connecticut were settled by agreement with this Province confirmed by the Crown, & tho' the possession and claim of the Dutch, might have been offer'd as an argument to confine the Limits of that Colony to the Connecticut River, yet as the Tract might thereby have been render'd too inconsiderable for the Establishment of a Colony and the People had so early extended their Settlements westward of the River these considerations probably were the motives which induced the Government of New York first in 1664 and afterwards in 1683 to yield to Connecticut the Lands westward to the distance of about 20 miles from Hudsons River.

But no agreement or settlement of Boundarys can be alledged on the part of Massachusets Bay. The Dutch at the time of the Massachusets first Grant possessed this Province then called New Netherlands —Extended their claim between the two Rivers Dela-

ware & Connecticut, and had long before the English approached the last mentioned River, a Fort called Fort Hope on its Western Banks near where the Town of Hartford now stands. These facts were well known at the time, & therefore in the Grant to the Council of Plymouth in 1620 of the Lands within the 34 and 48 Degrees of North Latitude on which the claim of Massachusets Bay & Connecticut was originally founded all Lands which were held or possessed by any other Christian Prince or State are expressly saved and excepted—Hence it appears that the Grant to the Duke of York in 1663/4 of the Lands Westward of Connecticut River was certainly grounded on an opinion that the Crown had an absolute Right to these Lands, notwithstanding the Claim of the New England Colonies, and that this Grant which immediately preceded the Conquest of this Province from the Dutch was intended to include all the Lands which the Dutch held there.

I have not till lately seen an Extract of a Report of the Commissioners appointed by the Crown in 1664 to visit the New England Governments who declare they find the Limits of Massachusets Bay to be "Seconnet Brook on the South West and Merimack River on the North East, and two right lines drawn from each of those two Places till they come within 20 Miles of Hudsons River"—Nor an Extract of a Letter from Colonel Nicolls Governor of New York in which speaking of the Agreement made with Connecticut he says, "this Determination was a leading Case of equal justice & of great good consequence in all the Colonies, and therefore were assured would be an acceptable Service to your Royal Highness though to the diminution of your bounds, so that to the Eastward of New York and Hudsons River nothing considerable remains to your Royal Highness, except Long Island and about 20 Miles from any part of Hudsons River. I look therefore upon all the rest as Empty Names and Places Possesst 40 years by former Grants, and of no consequence to your Royal Highness, except all New England

could be brought to submit to your Royal Highness's Pattent."

If any settlement was then made by the Commissioners and the Massachusets Bay it appears not on Record, although that with Connecticut in the same year is Registered in both Provinces. And if actually made it was unauthorised, the powers to the Commissioners being expressly confined to the disputes between the New England Governments—namely, Massachusets Bay, Connecticut, New Plymouth, Rhode Island and the Providence Plantations as evidently appears from the Commission, a copy of which I enclose your Lordships, nor can it be supposed that the Crown meant to invest a Power in the Commissioners to settle Boundaries between the Governments of New England and this Province the Commission bearing date in April 1664 and the conquest of this Government from the Dutch not taking place till the Month of August following. There is also a mistake in the assertion that the "Places were possesst Forty Years by former Grants," unless by the Dutch. For the English did not settle to the westward of Connecticut River till 1635 or 1636 which settlement was made southward of the Massachusets South Line without authority from any Government: the Determination then in respect to Connecticut could not with propriety be considered as a leading Case of equal Justice in all the Colonies nor could the Boundary of Connecticut River have affected the other Governments so materially as Connecticut as those Governments have a far greater extent Eastward than Connecticut. This Reasoning is justified also from these considerations that the Crown did not by any act ratify or approve the Opinion of the Commissioners or of Governor Nicholls who was one of them but on the contrary after the Dutch had in 1673 reconquered this Province and by the Treaty of Breda in 1674 yielded it to England made a second Grant to the Duke of York in the same terms with the first. And it appears by the Minutes of the Agree-

ment with Connecticut in 1683 that Governor Nicolls and the other Commissioners had been deceived in the Line they established with the Colony in 1664 which instead of leaving to this Province 20 Miles East of Hudsons River soon crossed that River and left the far greater part of that River out of New York Government.

Massachusets Bay hath nothing I humbly conceive to urge in support of their claim to a Twenty Mile Line East of Hudson's River but a Possession gained in opposition to the Letter and Spirit of their Grants from the Crown thro' the Inattention of this Government. This argument may in Equity intitle Individuals to a confirmation from the Crown of the Lands they actually possess, rendering to his Majesty the usual quit rent reserved in the province, but cannot be offered as conclusive on the part of the Crown, in respect of its Interests ariseing either from its Revenue of Quit Rents which by computation at 2/6 per hundred acres would amount to near £1200 Sterling p^{r}. Annum or from Escheats—neither can it with Justice I think be extended to the Case of those Inhabitants of New York who hold land Eastward of a Twenty Mile Line, the Lands being at the time they obtained their Grants vested in the Crown within the express Limits of the Province of New York and not within the Grants on which the Massachusets Bay found their claim.

Having thus fully considered this point in respect to the Province of Massachusets Bay, I need add very little as to New Hampshire. That Government is to extend westward and northward till it meets with his Majesty's other Governments, and cannot therefore interfere with the Limits of this Province. The lands in question lay much more convenient to be included within New York than New Hampshire, Hudson's River being navigable by Vessels of considerable burden to Albany the Trade of that part of the Country will probably center there to which place the transportation or Carriage will be much easier than to the Ports

of New Hampshire and where the Inhabitants are likely to meet with a better market for their produce. The Revenue of the Crown, if the Lands are settled under this Province will be greater than if granted under New Hampshire in proportion to the difference of Quit Rent which I am informed is one shilling sterling p^{r}. hundred Acres in that Province and is by his Majesty's Instructions fix'd here at 2/6 sterling. There is another circumstance of some weight at this juncture. The preference given to this Government from its evident superiority has induced a great number of reduced officers to claim here the Bounty his Majesty has been Pleased by his Proclamation of the 7th October last to extend to those who have served in North America during the late War and many of them have located their spots within the claim of New Hampshire: Indeed if they had not, it would have been impossible for this Government to have found lands enough for them, clear of dispute and not reserved to the Indians, but they absolutely decline any application to New Hampshire for Lands Westward of Connecticut River.

As the Settling the Limits of Jurisdiction of the Governments of New York and New Hampshire absolutely depends on his Majesty's Pleasure, should his Majesty on any consideration extend the Limits of New Hampshire Westward of Connecticut River, I humbly presume to hope the Right of Property and the Right of Jurisdiction will be saved to this Province in respect to all Lands before granted by this Government whose. right to the boundary of Connecticut River, especially when considered as to New-Hampshire appears clear & unquestionable.

I am with great Submission My Lords Your most obedient & faithfull Servant

CADWALLADER COLDEN.

By the Honourable Cadwallader Colden, Esq; *His Majesty's Lieutenant Governor and Commander in Chief of the Province of New York, and the Territories depending thereon in America.*

A Proclamation.

Whereas King *Charles* the Second, by his several Letters Patent bearing Date the 12th Day of *March*, 1663–4, and the 29th June 1674, did give and grant in Fee, unto his Brother, *James* Duke of *York*, certain Lands, of which the Province of New York is a Part, containing, among other Tracts, "All that Island or Islands, commonly called by the several Name or Names of *Matowacks*, or *Long Island*, situate and being towards the West of *Cape-Cod*, and the *Narrow Higgansetts*, abutting upon the Main Land between the two Rivers there called or known by the several Names of *Connecticut* and *Hudson's River*. Together also with the said River called *Hudson's* River, *and all the Land from the West Side of* Connecticut *River to the East Side of* Delaware Bay."

And whereas the Government of *New Hampshire*, by the Letters Patent of his late Majesty, given at *Whitehall*, the third Day of *July*, 1741, is described in the words following: "Our Province of New-Hampshire, within Our Dominions of *New-England* in *America*, bounded on the South Side by a similar Curve Line, pursuing the Course of *Merrimac* River, at three Miles Distance on the North Side thereof; beginning at the *Atlantic Ocean* and ending at a Point due North of a Place called *Pantucket Falls;* and by a Straight Line drawn from thence due West across the said River, *till it meets with our other Governments;* and bounded on the South Side by a Line passing up through the Mouth of *Piscataqua* Harbour, and up the Middle of the River to the River of Newichwannock, Part of which is now called *Salmon Falls*, and through

the Middle of the same to the furthest Head thereof; and from thence North two Degrees Westerly, until One Hundred and Twenty Miles be finished from the Mouth of *Piscataqua* Harbour aforesaid, or *until it meets with our other Governments.*"

And whereas it manifestly appears by the several Grants or Letters Patent above recited that the Province of *New York* is bounded to the Eastward by the River *Connecticut:* That the Province of *New Hampshire*, being expressly limited in its Extent *Westward* and *Northward* by his Majesty's other Goverments, is confined to the same River as to its Western Boundary; and that the said Government of *New Hampshire* is not entituled to Jurisdiction Westward, beyond the Limits of that River.

And Whereas the said Government of *New Hampshire*, tho' fully apprized of the Right of this Government, under the Letters Patent aforementioned to the Duke of *York;* and sensible also that His Majesty had not been pleased to establish other Boundaries between his said two Provinces, hath granted Lands Westward of *Connecticut* River, within the Limits and Jurisdiction of the Government of *New York;* in Virtue whereof, sundry Persons, ignorant that they could not derive a legal Title under such Grants, have attempted the Settlement of the Lands included therein, and have actually possessed themselves of Soil before granted within this Province, while others claiming under the said Government of *New-Hampshire*, have endeavoured to impose on the Inhabitants here, by offering to Sale, at a low Rate, whole Townships of Six Miles Square lately granted by the said Government Westward of *Connecticut* River.

To prevent therefore the Incautious from becoming Purchasers of the Lands so granted; to assert the Rights and fully to maintain the Jurisdiction of the Government of this His Majesty's Province of *New York*, I have thought fit, with the advice of His Majesty's Council, to issue this Proclamation, thereby command-

ing and requiring all Judges, Justices and other Civil Officers within the same to continue to exercise Jurisdiction in their respective Functions as far as to the Banks of *Connecticut* River, the undoubted Eastern Limits of that Part of the Province of *New York*, notwithstanding any Contrariety of Jurisdiction claimed by the Government of *New Hampshire*, or any Grants of Land Westward of that River, made by the said Government. And I Do hereby enjoin the High Sheriff of the County of *Albany*, to return to me or the Commander in Chief, the Names of all and every Person and Persons, who under the Grants of the Government of *New-Hampshire*, do or shall hold the possession of any Lands Westward of *Connecticut* River that they may be proceeded against according to Law.

Given *under my Hand and Seal at Arms*, *at* Fort George, *in the City of* New York, *the Twenty eighth Day of* December, 1763, *in the Fourth Year of the Reign of our Sovereign Lord* George *the Third*, *by the Grace of* God, of Great-Britain, France *and* Ireland, *King*, *Defender of the Faith*, and so forth.

Cadwallader Colden.

By His Honour's Command,
Gw. Banyar, Dep. Secry.

God *save the* King.

To J. T. Kemp, Esq^r^ his Majesty's Attorney General N. Y.

Fort George 5^th^ Feby 1764.

Sir

I desire you will order the Person acting as your Deputy in the County of Albany to Enter a Nolo Pro-

sequi in the case of an Indictment, found by the Grand Jury of that County against John Glen Esq of Schenectady the circumstances of which I told you lately in Conversation. I am

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To His Excellency the Hon^{ble} James Murray.

New York Feby 6th 1764.

Sir

I should have acknowledged the honour of your most oblidgeing favor of the 25th of December had not the Packet been then daily Expected that I might at the same time take care of any Letter directed to you. Only two came at this time which are enclosed. If there be any more they are under cover to the General. Since a Post established between Quebec and Albany all Letters will escape the curiosity of any Person because there are separate Bags for Montreal & Quebec under the Seal of the General Post Office New York. And I can assure you that your Letters will be taken special care of at the Post Office in New York.

The Packet which arrived last Saturday is an Extra Packet sent out merely to bring their times into some better order. This Packet is to sail next Sunday, but another is daily expected which will not sail till the second Saturday of March.

I heartily congratulate you on the happy agreement between the King & both Houses of Parliament, as appears by the enclosed speech and Addresses.

In the London Chronicle Nov^{r} 15–17 is the following Paragraph: "We hear that the two Volumes of North Britons are ordered to be burnt by the hands of the Common Hangman as a false, Scandalous & Malicious Libel, bidding defiance to the Legislation, & tending to excite his Majesties Subjects to traitorous insurrections against his Majesty's Government."

By the orders which I received dated the 19th October it seems Sir Jeff. Amherst was not expected

home. No publick Letters of any Consequence by this Packet.

It will give me great pleasure to have it in my power to serve you in any Shape for I sincerely am with great esteem & respect Sir Yr.

P. S. I am disappointed in the Address of the Lords not being Printed. The extract of it is faithfull & in the words of the Address. Printers are not pleased with any restraint on their Licentiousness.

To the Right Hon^ble the Lords of Trade & Plantations.

New York, Feb^y 9^th 1764.

My Lords,

Some time since Capt. Hawker of the Sardoine Sloop of War made seizure of a Ship & Cargoe of which he informed me, & that he intended to claim one half for himself officers & Crew In answer to this I told him that the Vessell & Cargoe could not otherwise be forfeited than by the Statutes which give one third to the Gov^r & that no Clause in these Statutes which give a third to the Gove^r is repealed by the Statute under which he claims one half, and that I cannot give up the rights of the Gov^r of this Place.

After this Capt^n Hawker applied to M^r Kemp Attorney General, & M^r Smith Jun^r a noted Lawyer in this Place, who gave their opinion, a copy of which I enclose without my interfering in the matter in any Shape.

Capt^n Hawker I presume informed Lord Colvil of the opinion of these Lawyers, who thereupon wrote a warm letter to the Judge of the Admiralty in this Place which so far intimidated him that he did not condemn the Vessel seized by Capt^n Hawker in the usual form, & as had been lately done in a similar case by the

Judge of the Admiralty in Boston, viz: One third to the King, one third to the Gov^{r} & the remaining third to the Prosecutor, but in the following general terms viz: *To his Majesty & such persons as are intituled to the same, pursuant to the several Statutes in such cases provided.*

In consequence of this decree I am informed the money ariseing from the sale of the forfeitures is to be lodged in the Collectors of Custom's hands, who will retain the same till he shall receive Orders from his superiors for the distribution thereof.

The Governor on his takeing the administration upon him is sworn to observe the laws of Trade. He has a large body of orders and Instructions solely on that head, & this case gives him more trouble than any other part of his administration. I therefore humbly presume that his Majesty does not intend to deprive his Governor of any Reward for this service which the Law gives him. Notwithstanding that the Governor be allowed to Receive one third of the forfeiture the Capt^{n} officers & Crew of his Majesty's ships may receive one moiety from the two thirds given by statute to his Majesty & the Prosecutor, if his Majesty shall think proper so to order.

It is much for the benefit of all concerned that his Majesty's pleasure be signified as soon as may be: & whatever his pleasure may be, it shall be received with absolute submission by My Lords, &^{c}.

To Robert Charles, Esq.

New York, Feb^{y} 10th 1764.

Sir,

I have been lately informed that you had some time since transmitted to the Assemblies Committee of Correspondence some Papers relating to the Dispute between this Province & Massachusets, & having since

seen those papers, & perceiving from them that you had been called by the Lords Commissioners for Trade & Plantations I suspect you have not been sufficiently informed on that subject. For this reason I now transmit to you a copy of a letter which I have lately wrote to their Lordships & likewise heads of arguments which have occurred to me on that subject. As that matter nearly concerns the Interest of the Crown, I doubt not you will thereby have an opportunity of shewing your abilities and of recommending yourself to the notice of his Majesty's Ministers as well as of serving this Government. You will have it in your power to oblige me much by giving me early intelligence of what relates to this Government. I am with great Regard.

REMARKS ON THE DISPUTES BETWEEN THE PROVINCE OF NEW YORK & THE PROVINCE OF MASSACHUSETTS AND NEW HAMPSHIRE RELATING TO THE EASTERN BOUNDARY OF NEW YORK, FOR THE USE OF R. CHARLES, ESQ.

1. New York is bounded to the Eastward by Connecticut River & New Hampshire, is bounded to the westward by his Majesty's other Governments. By this it is evident New Hampshire cannot extend anywhere to the westward of Connecticut River.

2. The only pretence which New Hampshire has for extending their jurisdiction to the westward of Connecticut River is that Massachusetts & the Colony of Connecticut have extended their jurisdiction to the westward of that River. But supposing that these two colonies had just right to extend their claims so far as they do it in no manner follows that New Hampshire from thence has a right to extend their jurisdiction beyond Connecticut river: And yet they have no other pretence but this further claim.

3. The truth is that as Massachusetts have been en-

abled to extend their settlements beyond Connecticut river by the inattention & negligence of the Government of New York the New Hampshire Gov^{t} hopes to establish a like claim in process of time by making settlements on the west side of Connecticut river from the inconveniencies which may hereafter arise in recovering the king's rights.

4. The soil of the Colonies of New York & New Hampshire being both in the crown the King may at his pleasure change the boundary of their Jurisdiction. But the establishing of the Boundary of Jurisdiction anywhere to the westward of Connecticut river would be prejudicial to the Inhabitants as their Commerce must be carried on by Hudson's river which is navigable by large vessels to Albany & by small vessels to Fort Edward. The inconveniencies in this respect appear evidently by Inspecting the Maps & by considering the great distance of Connecticut river from Portsmouth.

5. The Quit rent of New Hampshire is at the rate of 1^{s} sterl. the 200 acres & that of New York at 2/6 sterl. The Difference to the King in so large extent of Country will amount at least to £1000 sterlg. yearly.

6. The use which the Grantees in New Hampshire at present make of their Grants ought to be considered. They are in no capacity to settle & improve such a large extent of Land. They travel over New Jersey, this Province & the Provinces to the eastward hawking their pretended rights & thereby drawing unwary people into contributions to support their illegal & unwarrantable claims.

7. Great numbers of reduced officers & disbanded soldiers who have served in America at this time apply to the Governor of New York for grants of Lands pursuant to the Kings Proclamation between Hudsons river & Connecticut river as the Gov^{t} of New York has no other lands to grant not claimed by the Indians at this time. These grants will pass as soon as the previously necessary powers can be made in the spring.

Remarks on the settlement of Boundary between New York & Connecticut.

1. The first settlement of Connecticut was by people who sat down without any legal establishment or Powers from the Crown & formed themselves into three distinct governments, viz: Hartford, New Haven & Seabrook. Many of these people were separatists from Massachusets on account of the dissensions which arose on religious principles at that time. The Colonies of New Providence & Rhode Island were formed about the same time on account of those religious dissensions.

2. The three Colonies of Hartford, New-Haven & Seabrook were afterwards united into one government by charter from Charles the 1st & had no limitation westward to their extent of Territory.

3. The Settlements on Connecticut river in the year 1664 were only made by the Colonies of Hartford & Seabrook, not by Massachusetts Bay. This becomes probable by the Distance of Boston from Connecticut river & the Colony being very small at that time & at variance with the Indians.

4. The Dutch were settled on Hudson's river before the Colonies of Massachusets or Connecticut had existence. They were possessed of all Hudson's river & had likewise a fort on Connecticut river near Hartford then called Fort Hope & claimed all the lands between Hudson's and Connecticut rivers.

5. When New York then called New Netherland was conquered from the Dutch the colony of Connecticut had extended their settlements along the seashore within less than ten miles of Hudson's river. This gave the colony of Connecticut an equitable claim to Territory on the west side of Connecticut river, & the Dutch inhabitants of New York being numerous while the English were few it became prudent in Governor Nicolls to cultivate a good agreement with the colony of Connecticut, thereby to secure and strengthen his

new colony, & therefor settled boundaries between the two governments in 1664, greatly to the advantage of Connecticut.

6. But this agreement was made so injudiciously that only about 30 miles of Hudson's river would have remained in the government of New York, & was therefore set aside & a new agreement made in 1683, which was afterwards confirmed by King William & is now the Boundary between New York & Connecticut.

REMARKS ON THE WESTERN BOUNDARY OF MASSACHUSETS BAY.

1. The original Claim of the Colony of Massachusets was under the grant to the Council of Plymouth in 1620, & tho that Grant was not limited westerly yet all lands which were then held or possessed by any Christian Prince or state are excepted out of it, & the New Netherlands now New York was at that time in possession of the Dutch, they having forts not only on Hudson's river but likewise on Connecticut river.

2. It is said that Comm^{rs} authorized by King Charles the 2nd did settle the boundary of Massachusetts at 20 miles from Hudson's river. No such settlement appears on the records of this Province, nor as I am informed in the records of Massachusets. Their Commission is dated prior to the conquest of New York. It empowers them to settle differences between the New England Colonies & has no reference to New York. If then the Comm^{rs} made any settlement it was without authority and disapproved of as appears by the 2^{d} Grant to the Duke of York in 1674.

3. Whatever agreements may be supposed to have been made relating to the boundary of Massachusets Colony they ceased & became a nullity when their charter was declared void by Decree in Chancery,

which Decree was never reversed and remains now in force.

4. By the new Charter granted to the Massachusets in 1691, they are to extend westward *as far as Connecticut.* This word *Connecticut* in every construction either of Land or Equity must mean the *river Connecticut*, the boundary of New York to the Eastward not the *Colony* of Connecticut: for the colony of Connecticut cannot bound anywhere the colony of Massachusets Bay to the westward. The Province of New York by the accession of the Duke of York to the Crown became part of the Crown Lands, & has ever since passed with the Crown. It does not appear by any part of the charter to the Colony of Massachusets Bay that the King designed to grant any part of his province of New York to the Massachusetts Bay, & no part of it can pass without express words for that purpose & in all doubtful expressions of Grants from the Crown they must be construed most favorably to the Crown.

6. As no settlements were made by the Colony of Massachusetts on the west side of Connecticut river when the Duke of York's Grant passed they have not that claim of Equity which Connecticut had. Here it must be remarked that the Settlements on Connecticut river were made by the Colony of Hartford tho some of them are now found to be in Massachusetts claim.

7. The only equity which can be claimed is in favor of the People who have settled & improved lands on the West side of Connecticut river, but this can extend no farther than to confirm their Possessions on the same conditions on which lands are granted in the Province of New York.

The lands claimed by Massachusetts from 20 miles of Hudson's river to Connecticut river would yield a quit rent to the Crown of about £1200 sterlg yearly as Lands are now granted in New York.

To the Rt Honble the Lords Commissioners for Trade & Plantations.

New York Febry 8th 1764.

My Lords,

I informed your Lordships by my Letter of Jany 20th that the Government of New Hampshire had lately made most surprising & Extravagant encroachments on the jurisdiction & lands of this his Majesty's Province without I may truly say the least colour or plausible pretence of Right. The Government of New Hampshire I am told has lately granted 160 Townships of Six miles square each on the west side of Connecticut River. A man in appearance no better than a Pedlar, has lately travelled thro' New Jersey & this Province, Hawking & selling his pretended Rights to 30 Townships on trifling considerations. The whole proceedings of the Government of New Hampshire in this case if what is told me be true, are shamefull & a discredit to the king's authority under which they act. Though it be not in my power to be authentically informed, it is in your Lordships, for it is evident from the low price shares are sold at, it is not for the benefit of persons who design to settle & improve. Your Lordships by a proper enquiry may be informed for whose benefit these fraudulent Grants are really made.

To prevent as much as possible the ill consequences of these proceedings, I have by the advice of his Majesty's Council of this Province, issued a Proclamation of which a Printed Copy is inclosed, another in my letter of Jany 20th to which Letter I beg leave likewise to refer.

It became the more necessary for me at this time to vindicate the Right of this Government to these Lands, because great numbers of reduced officers & disbanded Soldiers who have served in America have applied to me for the reward in Land granted by his Majesty's Proclamation in their favor, and I have no

lands but these to Grant, which the Government of New Hampshire have taken upon themselves to Grant in the manner above mentioned. I endeavor to distribute his Majesty's bounty in the manner most agreeable to the officers & so that the Grants may pass with the greatest dispatch & least Expense, as will appear by the Minute of Council which I enclose. Since that time in a few days, near 100 Commissioned & non commissioned officers and privates have applied for Grants of Lands, so that from this Province all the Reduced officers & Disbanded Soldiers in this part of North America, chuse to receive the king's Reward in Lands within this Province.

As the reduced officers & soldiers will find the necessary and unavoidable Expence of settling hard upon them, they are apprehensive of any additional Expence of Law suits, however slight the pretentions be, & therefore it will greatly encourage & forward the settlement of that part of the country to have a speedy end put to the pretentions of the Gov^{t}. of New Hampshire which your Lordships may effectually do, by only signifying to the Gov^{r}. of New Hampshire, his Majesty's Pleasure on that head, and by sending a Duplicate of the order to the Gov^{r}. of this Province.

The only thing which can make any Person prefer the Grants of New Hampshire to those of this Gov^{t}. is the difference of quitrents for as the commerce of that country must be carried on by Hudson's River, it must be more convenient for the inhabitants to be under the jurisdiction of New York. The quitrent in New Hampshire I am told is at the rate of 1/^{s}. stg. for every 100 acres, and that of New York is at the rate of 2/6. this difference on a moderate computation may amount to £1000 stg. yearly, so that it is likewise much for the benefit of his Majesty's Revenue of Quit rents that this dispute be speedily put an end to.

I am informed that the officers and Private Men of the Provincial Troops of this and the Neighbouring Colonies imployed in the late war in America, design

to apply for his Majesty's bounty in Lands to be extended to them as to the officers & soldiers of his Majesty's army. I have no objection to this only that the civil officers of this Gov^{t}. ought to be considered who have freely given up their usual fees in favour of the army, for I apprehend the same reason does not extend to both in this Respect. The officers & Men of the Provincials all live in this country, have their friends and relations to assist them, and as the colony troops were levied annually and received Annual Bounty, different officers & men were employed in different years, their numbers will be very great & the trouble to the civil officers of this Government become very heavy, for the charter and proprietary governments are not bound by the King's proclamation. It seems therefore reasonable that if the King should think proper to extend his bounty of an abatement of Quit rent for ten years in favor of the Provincials that they receive their Grants on paying the usual fees. I am with the greatest Respect & humble submission, My Lords, &^{c}.

To the R^{t}. Hon^{ble} Earl of Halifax Sec'ty of State for the Southern Department.

New York Feb^{y}. 13th 1764.

My Lord,

As I know that Sir William Johnson writes by this opportunity I think it proper to communicate a paragraph of his letter to me dated the 27th of last month. It is in the following words :

I am just now parting with a large number of Indians, from whose behaviour I have reason to expect a happy result. I assure you it would scarcely be imagined how sanguine they are, & how desirous their young men appear to go against our Enemies. The Chenessioes are a very proud people, and I do not expect much concession from them. The delivering

up some of their Ringleaders, which would be a reasonable demand, will, I apprehend, hardly be agreed to. The French who were at the bottom of this affair, deserve to have their conduct strictly enquired into. The Jesuits are a dangerous society which I heartily wish may be abolished. Their possessions in Canada would endow a Bishoprick as well as small provision for several protestant Missionaries. The utility of such a foundation appears to me very evident in that country where I think it would greatly promote the Interest of his Majesty & so on encrease the number of his Protestant subjects. So far Sir W^{m}. writes.

I shall only presume to make a few Remarks for your Lordships consideration.

The Indians everywhere are in great want of ammunition, and are now sensible they cannot as formerly be supplied by the French or otherwise than by us.

The Indian Nations are a mere Mob, directed by popular Leaders who are governed by their passions with a violent inclination to war and easily instigated to revenge which is the characteristic passion of savages.

No friendship with such people can be depended on while they are under no fear of punishment.

The Chenessioes (the largest tribe of the Senekas) have done the most mischief, have been guilty of the greatest cruelties without any provocation on our part, but only by the instigation of the French while in possession of Niagara in their neighbourhood. The Chenessioes were the principal inciters of the other nations into the late insurrection : & yet these people as part of the five nations have continually received Presents of us from the first settlement of the English in this country to the present time. They still continue haughty and insolent, & therefore may most properly be made an Example to others of punishment, & probably this alone may be sufficient.

Many think it most prudent to set one Indian nation to punish another, as this may be done with least expence & without loss of Christian lives, but it must be

attended with great uncertainty while it depends on the humour of savages, and cannot be so effectual on the Minds of other nations.

The Indians at this time will make any promises that they may be supplied with arms & ammunition, & yet I doubt much that the five nations can be perswaded to turn their arms against the Chenessioes.

The setting one Indian nation against another feeds & cherishes the fierce & cruel spirit of the Savages, & while that spirit remains they will be allways mischievous. If they can be entirely restrained from war for some years, their fierceness will subside & they may take themselves solely to hunting & planting & thereby become most useful.

I am of opinion that a general Peace may at this time be made with the Indians by only receiving them on their usual submission. If this be thought eligible, steady measures for preserving peace may become necessary & for securing the frontiers & Traders from insults & rapine.

I flatter myself that your Lordship will excuse my writing my private thoughts, as Indian affairs for many years have been the object of my thoughts & your Lordship is at so great a distance.

The Battalion of five Companies which the Assembly of this Province enabled me to raise, has been complete for some time past, & is now posted in the Mohawk's Country to keep open the Communication between Oswego & Albany. I am with the highest Respect & humble Submission My Lord, &c.

To John Pownall, Esq. Secry Board of Trade.

New York Febry 10th 1764.

Sir,

In obedience to the order of the Lords Commissioners for Trade & Plantations signified to me by your

Letter of the 24th of November last, I communicated the Petition of Henry Constant to the Owners of the sloop Dove and pressed them by several arguments to obtain the release of their Hostage. You will see all that I could obtain by the enclosed Paper.

It will give me great pleasure to convince you how desirous I am of the honour of being Sir.

To Major General the Hon^ble Tho^s Gage.

Fort George Febry 26, 1764.

Sir,

Yesterday I had the honour of yours with Extracts of the Resolves of the Assemblies of Massachusets, Connecticut & New Hampshire, all of them evasive grounded on accounts they have received of Peace with the Enemy Indians. What accounts they have of Peace I know not, but I am certain that I have none of any authority.

The Assembly of this Province in their address to me made use of the following Expression, *and should they* (the neighbouring Colonies) *refuse to comply with the Requisition which we assure ourselves they will not do, we will then exert ourselves to the utmost of our power, however unequal to the undertaking to preserve this and the rest of his Majesty's Colonies from ruin.*

From this I am confident the Assembly of this Province will not proceed in adding to the number already raised, before they have a categorical answer from the neighbouring Colonies. For this reason your pressing a Categorical answer without delay becomes necessary as the Spring of the year approaches & the time for action.

This Province has now in Pay 800 Men, of which 500 to join the Regular Troops under your Command, and 300 for the defence of their Frontiers. I cannot conceive by what calculation New Hampshire makes

200 (the number required of them) equal to two-thirds of the number New York has raised.

Between ourselves, I suspect the true reason of the backwardness in all the assemblies is owing to a doubt that Sir Jeffery Amhersts plan will be pursued now he is gone, and therefore however proper it may be in you to call for a Categorical answer from the distant Colonies, I conceive it may be of little use if not prejudicial to call the Assembly of this Province before the arrival of the next Packet, and for that purpose, I propose to hold them on short Prorogations. They now stand prorogued to the 13th of March.

You may assure yourself that I shall heartily join with you in everything that may be for the public service, and that I am with the greatest regard Sir.

To Govr Franklin.

Fort George, Febry 29th 1764.

Sir

At your desire by your Letter of the 24th, I hereby Certify that Eight hundred and Eight Men are in the Pay of this Government. 6 Companies of 50 Men each with their officers consisting of 318 Men. 5 Companies of 60 Men each with their officers consisting of 317 Men and one Company of 173 Men officers included. I am with the greatest Regard Sir.

To The Honble John Penn, Esq, Lt Govr. of Pensilvania.

Sir,

Last night I received a letter from Sir William Johnson by the return of an Express which you sent to him. This morning I communicated Sir Williams Letter to his Majesty's Council for this Province the

contents whereof are recited in the Minute of Council inclosed, which likewise contains their advice to me on the subject matter thereof.

It may facilitate a proper freedom in our mutual Correspondence on this subject, if you would please to inform me of the reason why you have thought proper to continue to push a matter which we think greatly affects the interest & safety of this Province without previously adviseing with or consulting this Government. Whatever some in Philadelphia think, the Indians can by no means be received into this Province without the consent of this Government. I am with great truth & Regard Sir

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To the Right Hon^ble^ Earl of Hallifax his Majesty's Principal Secretary of State for the Southern Department &^c^.

New York, 8th March, 1764.

In the words of the Letter to the Lords of Trade of the 9th of July.

To Sir W^m^ Johnson.

Fort George, N. Y. March 9^th^ 1764.

Dear Sir,

None of your Friends more heartily congratulate with you on the first success of the Parties you sent out against the Enemy Indians than I do, & none now can doubt of the great influence you have on the Six Nations.

Immediately after the receipt of yours by the Express from Governor Penn, I communicated it to the Council who were unanimously of opinion not to admit those Indians into this Province, as they suspected

much that out of resentment they would give bad impressions to the Indians among whom they come. At the same time they are desirous of knowing your opinion in case any farther application be made from Pensilvania. Gen. Gage and Col. Bouquet are of the same opinion with the Council.

I am now writing to his Majesty's Ministers by the Packett which is to sail next Sunday & shall not fail to mention your good success. I am with the most affectionate Esteem Dear Sir.

P. S.—All the Lands between Fort Edward and Lake George are already Granted or Promis'd. No Lands can now be Purchased of the Indians, but in the manner directed by the King's late Proclamation.

To the Right Hon^ble the Lords Commissioners for Trade & Plantations.

New York 9th March 1764.

My Lords,

At the desire of his Majesty's Council of this Province and of the merchants of this place, I transmit to your Lordships a Copy of a Memorial which the Merchants have ordered their Agent to present to the House of Commons.

I shall only beg leave to mention some reflections which have occurred to me since I read this Memorial. May not a Colony consisting of great numbers of free men who consume a vast quantity of the manufactures of Great Britain tho' this Colony raise no staple which can be imported directly into Great Britain, be more useful to Her, than a Colony which raises a considerable staple imported into Great Britain, and this Staple is entirely raised by the Hands of Slaves who consume very little or none of the Manufactures of Gr. Britain.

Is it not the interest of Gr. Britain to encourage all the means which the Colony consuming her manufactures, takes to pay for these Manufactures, when those means are not prejudicial to the commercial interest of Gr. Britain—the lowering in our Sugar Colonies the Price of Sugar cannot be prejudicial to this Interest.

Since the Northern Colonies found means to carry their produce into the foreign Colonies the price of Labour & of Provisions have rose to near double what they were before that time. The high Price of Labour makes it impracticable in the Colonies to interfere with the Manufactures of Great Britain. It is evident to administration that the more Trade the Colonies in North America have with the foreign Colonies, the more they consume of the British manufactures. But if they should be reduced so low, that they cannot purchase cloathing they must make them & be content with what they can make.

As the French & Spanish Governments do not permit us to trade with their colonies, the trade with them from the northern colonies is carried on in small vessels, and that the sugars imported by these small vessels may be transported to Europe, it is necessary that the Merch^{ts} have leave to shift them from the small to larger vessels without paying any Duty. As the act now stands foreign sugars pay no Duty if not landed.

May it not be proper to allow Spanish vessels from their Colonies to trade with the northern colonies, for they can import no European manufactures, and that the Governors be allowed to suffer such trade.

I flatter myself your Lordships will pardon the liberty I take to give my private Sentiments, for it is done with absolute submission by My Lords, &^{c}

To the Rt Honble Earl of Hallifax.

New York, March 10th 1764.

My Lord,

I have the pleasure of communicating to your Lordship an account of the success of one of the Parties of Indians sent out by Sir William Johnson against the Enemy Indians by the Copy of a Letter inclosed which I received two days since from him.

This plainly evinces the great influence which Sir William has among the Six Nations for it has been at all times difficult to make one Indian Nation attack another, when the quarrel was not their own, and if the Indians deliver up their Indian Prisoners to him to be disposed of as he pleases, it will be more than was at any time before obtained. In our wars with the French it was difficult to get the French Prisoners from them even after Peace, & I think there is no instance where they delivered up any Indian Prisoner.

The five Nations formerly subdued the Delawares & in the Indian Phrase put Petticoats upon them, that is the Delawares were never afterwards to make war as a nation. In the last war with France they revolted joined the Shawanese, & told the five Nations that we are *Men.* This without Doubt made the five Nations more willing to chastise them at this time.

Tedyuscung & his Son Captn Bull mentioned in Sir William's letter, has been much caressed, & often kindly treated at Philadelphia. It is evident from this that kind usage is not sufficient to preserve the friendship of Indians while they are not afraid of punishment. I am with the highest respect My Lord

To the Hon^ble Sir William Johnson Bart.

New York, March 26^th 1764

Dear Sir,

Yesterday I received your favour of the 16^th. My joy is doubled when I receive accounts of your Successes. I rejoice in common on the Advantages gained to the Nation, & I have another joy more exquisite that these Advantages are gained by your Conduct.

Your meeting with the Chenessioes at this time must be of the greatest consequence. If they will not punish the persons who excited them to revolt & to commit so many cruel & barbarous murders can their friendship be depended on? Or can any peace with them be lasting when their friendship to a few Men the inveterate Enemies of the English is of greater weight with them than all the Power of the English to revenge the Injuries we have received? Until they are made to have a better opinion of our strength & resolution no peace with them can be safe, nor while they retain any pretensions to molest the Passage between Oniagara & Lake Erie. One part of the atonement for the Injuries done should be giving up all Pretensions to the Country on both side the streights between the lakes Ontario & Erie.

The 14 Indians you sent down are now in Jail. I have not time to make any further enquiry about them before the post goes.

It gives me uneasiness to be obliged so repeatedly to write that I cannot serve Capt^n Johnson in the place he desires. All the lands between Fort Edward & Lake George are either already patented or granted to M^r Harper in behalf of a number of Irish settlers, part of them already arrived, and the rest soon expected. This grant to Harper was made by General Monckton. I am in hopes that after the surveys are made for the other officers, some better spot may be dis-

covered for Captn Johnson than any we know at present.

I should likewise be glad to serve Captn Duncan, but as I am only empowered by the Proclamation to grant lands free of Quit rent for ten years the Conditions required in the Proclamation must be strictly followed, otherwise the grant will not be good.

No Packet as yet arrived, it is every moment expected.

May the Success of your Negociations with the Chenessioes be such as I wish & then it will give the greatest joy to Dear Sir.

To Charles W. Apthorp, Esqr

Fort George, April 4th 1764.

Sir,

I am inform'd that you have paid to the Prosecutors their shares of the Vessells and Cargoes some time since seized by the Captains of his Majesty's Ships of War & Condemned in the Court of Admiralty. Please to pay to my son David, bearer hereof the nett proceeds of one third of those seizures now in your hands & due to me as Governor of this Province, & his receipt shall be a sufficient discharge from Sir Yr &c.

To the Rt Honble The Lords Commissioners for Trade & Plantations.

New York 12th April 1764.

My Lords

Having lately seen a Proclamation of the Government of New Hampshire in a Printed Paper, I now enclose it to your Lordships as it shews the necessity of

your Lordships comeing to some speedy Resolutions on this Point.

From the recitals in my Letter of the 20th of January last, on this subject, it will appear with what candor this Proclamation is framed, and your Lordships may in some measure judge whether the truth of the artifices with which that Government is charged, be not thereby confirmed, viz:—The numerous Grants of Townships by New Hampshire on the west side of Connecticut River in so short a time as since the last Peace, cannot be with any view in the Persons who have received those Grants to settle and improve those lands, but with a sinistrous view in a few Persons to put large sums of money in their pockets by jobbing & selling of Rights thro' all the neighbouring Colonies as appeared to the Council of this Province by several Persons going about this Province New Jersey & Connecticut Hawking & Selling their pretended Rights to great numbers of ignorant people at low Rates & defrauding them of large sums of money. That the Grantees had no view of settling & Improving the Land by themselves appears likewise by several advertisements in the Newspaper in which Governor Wentworth's Proclamation is published, & inclosed with this.

How low is it to give New Jersey as an Instance that the Pattent to the Duke of York is obsolete? This can only be designed for ignorant People who know that the Proprietors of New Jersey hold under the Pattent to the Duke of York. If the Pattent to the Duke of York be obsolete & the Lands granted by that Pattent not now vested in the Crown as part of its Demesnes, New York has no bounds.

I am persuaded that upon your Lordships mature consideration of this matter, it will evidently appear on the Principles of Justice, Policy & publick utility that the Jurisdiction of New York ought to extend to Connecticut River as the Duke of York's pattent does. The commerce of the whole country on the west side of

Connecticut River is by Hudson's River, and the produce of the northern part of that Country must be Transported by that River.

Above 400 Reduced officers and Disbanded Soldiers have already applied to me for Lands pursuant to his Majesty's Proclamation which at this time are to be surveyed for them, in that part claimed by New Hampshire. Your Lordships will perceive the necessity of determining the claim of New Hampshire speedily.

People of all sorts who intrude on his Majesty's Rights in America, are very assiduous in prosecuting every measure that serves for their purpose: the care of the king's rights in this Province is left to the Governor alone, without a single farthing to defray any Expense that may become necessary for that purpose: for this reason the Governor has no method but by applying to your Lordships. The multiplicity of business has often prevented the King's Ministers from takeing the Representations of the Governor into immeadiate consideration, and as he cannot be at the charge of Sollicitors to remind your Lordships, these affairs have been often forgot. This has given great advantage not only to intrusions from the neighbouring Colonies, but to intrusions of private persons among ourselves. And delay at this time will certainly be prejudicial to his Majesty's Interest, prevent the benefit design'd for the Army in America, and the settling of that part of the country besides the inconveniences and perhaps mischeifs which may happen by the different claims of jurisdiction.

These Things I flatter myself will excuse these Repeated Sollicitations on this Subject from My Lords.

To Sir Jeffery Amherst.

New York April 13th 1764.

Dear Sir,

I have great pleasure in the honor you have done me by your very kind Letter of the 4th of February. The King's gracious reception I hope has entirely effaced the remembrance of a fatigueing & dangerous voyage, and is introductory to greater favours.

Sir William Johnson has sent out several parties of the Five Nations against the Enemy Indians on the branches of Susquehanna & Ohio. The first Party consisting of 200 came up with a party of Delawares consisting of 41, surprised them & brought them in Prisoners of which 14 were delivered up to Sir William and are now in the Jail of this City, among them their Leader Captain Bull who had lately done much mischief on the Frontiers. They pretend that they were not going to war, but to Sir William and in proof of it say they had only six Guns & had their Women & Children with them. You know there is no trusting to what Indians aver.

Another small party of nine, led by the Indian Thomas King attacked a party of ten, killed one and took 3 prisoners. This is the first blood shed by Indians in our favor. Several other parties are out but I have not heard of their success. Sir William has at this time about 200 Senekas with him, some of them Chenessioes. People in general are in hopes of Peace with them; for I find any Service against Indians is disagreeable. In the meantime Col. Broadstreets Expedition goes on.

Pensilvania is in great disorder by their dissensions with their proprietaries. They are now come to the greatest highth & probably will put an end to the Proprietary Government.

The sense I have of your very kind offer of your friendship, and the experience I formerly had of it

makes me freely open to you my desires. You know that I am an old Man, I have served the Crown above 40 years, sometimes in the highest station of Government as L^t^ Governor & Commander in chief. The half salary and half perquisites my present allowance, at best give but a scanty subsistence with any kind of Regard to character not equal to what many Merchants in this place expend in their families. When I have not the Administration my Expence must be greater than in private Life without the smallest allowance from the Crown or from the Country. The Governor & L^t^ Governor are the only persons to guard against popular incroachments on the Kings Rights & Authority, & at the same time depend entirely on the goodwill of the People for subsistence.

At this time probably the Appointments in America will be established. May not some allowance to the L^t^ Governor of this Province without impropriety be among the Military Establishments there. Many Governors & L^t^ Governors in Britain and Ireland, if I mistake not, who have no Rank in the Army are upon the Military Establishment.

If what I now write appear reasonable to you, it may be in your power to recommend this matter to the King's Ministers: I make no doubt you will take pleasure to make my little remainder of Life pass easy, & with some Degree of dignity in my Station. However this be, I shall while I live, reflect with the greatest satisfaction on that share of friendship with which you have pleased to honor Sir Your most Obedient & most Affectionately humble Servant.

To Major General Hon^{ble} Robert Monckton

New York, 14th April 1764.

Sir,

I did myself the honor of writing twice to you since you left this place, but have not the pleasure of receiving any answer.

M^{r}. Chambers dyed four days since. By his death a vacancy happens in the Council. I have recommended my oldest son Alex^{r}. to succeed him. If you please to give weight to it by your recommendation it will extreamly oblige me & strengthen my hands while I have the administration. When you return he will be as usefull to you as any other & none can be more desirous to serve you.

Sir William Johnson has sent several Parties of the Six Nations against the Savages who made inroads on our frontiers. Two of them have had success & more is expected from the others. Sir W^{ms} son is gone out with the last and largest Party.

Our Assembly had made provision for Guards only to the 1st of next Month. I am therefore obliged to call them at this time to make farther provision for that service till such time as we may safely trust to the fidelity of the Indians. I am with the greatest Respect

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To the R^{t} Hon^{ble} Lords Commissrs. for Trade & Plantations.

New York, April 14th 1764.

My Lords,

Four days since John Chambers Esq^{r} dyed. By his death a seat in the Council of this Province is become vacant. I hope your Lordships will not be displeased with my recommending my oldest son Alexander Colden to succeed him. He is Surveyor General of his

Majesty's Lands in this Province. He is as capable as any other in this Place, and I am confident he will perform his Duty with zeal for his Majesty's Service. At the same time this appointment will strengthen my hands while I have the Administration.

By this Packet I transmit a Box containing the Acts passed in the last Sessions of the General Assembly of this Province with the Minutes of Council and other Papers which I am directed to transmit to your Lordships. A particular List of which I enclose.

Sir W^m^ Johnson has sent out several Parties of the Five Nations against the Delawares who in conjunction with a number of Rogues and Robbers from the other Nations have infested the frontiers of Pensilvania. Two of the Parties have had success, & I hope by their means the frontiers will be safe till such time as a Peace can be secured on a lasting foundation.

By all the Accounts which I have received from our Traders and others who have been Prisoners among the Indians the late Revolt was intirely owing to the instigation of the French, in which the Senekas, one of the five Nations, zealously assisted them, but that now all the Nations are desirous of a Peace & renewal of Friendship with the English, and are convinced of their having been grossly deceived. The Senekas particularly I am told are under great apprehensions of the resentment of the English, & of that punishment which they well deserve. They have been the most mischievous of any. I shall not trouble your Lordp^s^ with particulars, as I expect you will receive them by this Packet from Sir William Johnson with more certainty than I can give them.

The provision made by the Assembly for supporting the Guards on our frontiers ceases the first of next Month. I have therefore called the Assembly to meet next Tuesday, to make farther provision for that service. It seems to me extreamly imprudent to trust the safety of the Province to the fidelity of Indians at least before Peace with them is well secured by their being

convinced that it is in our power to punish severely any breach of it. I am with the greatest Respect & Submission,

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To Sir Jeff. Amherst.

New York, April 14th 1764.

Dear Sir,

Yesterday I acknowledged the honor you have done me by your very kind Letter of the 4th of February. Capt. Shackerley has the care of that Letter.

This Evening I received a Letter by Post from Sir Wm Johnson, an extract of which is on the other side. I believe you will be pleased to have an early account of any extraordinary Events which happen in this part of the World, & for that reason I could not omit sending this by the Packet which is to sail tomorrow morning.

It will give me the greatest pleasure to serve you in every thing that is in my power, & therefore I beg you will do me the honour of your commands without reserve: for I sincerely am with the greatest respect and esteem Sir, &c

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To Major General Gage.

Fort George 15th April 1764.

Sir,

I have the honor of yours of yesterdays date. The informations which I have of the Company of 173 Men agrees with yours, that they can be of little or no use in the ensuing Service, unless they be recruited and continued as long as the rest are. I shall therefore recommend to the Assembly as soon as they meet, which is to be next Tuesday, that they enable me to recruit them & to continue them in the Service for the same time the others are continued.

I congratulate you on the news, which no doubt you have received from Sir W^m Johnson. As matters now stand with the Six Nations your future operations will be made very easy. I am with the Greatest Regard Sir &^c.

To Sir W^m Johnson.

Fort George, April 14^th 1764.

Dear Sir,

I have received great joy by your favour of the 6^th not only for the great services you have done your country, but likewise for the great reputation you have thereby gained. Without doubt the whole Province join with me in the joy. May your son return in safety & with honour, that the satisfaction you must now have in your Mind be not allayed.

I am really anxious to do Capt^n Johnson all the service in my power. Several of the officers have located their Petitions in the parts you have mentioned, but I think a better place than any you have thought of may be now found. The Land granted to Major Skene is now to be surveyed, when that survey is done, no doubt we shall find a good place. For that purpose I have directed My Son to make out the form of a petition now generally used, which Capt^n Johnson may have copied over because it will be better not to appear in my Son's Hand, and have it Dated the 2^d of April, least some other officers in the meantime apply for the places mentioned in the Draft which my son sends. At the same time Capt. Johnson must apply to General Gage for a Certificat that he has served in America & is now a Reduc'd Officer.

You give me great pleasure by advising with me as a friend in your Private affairs. You know that by the King's Proclamation all purchases of Lands from the Indians must be made by the Gov^r. in Person. I shall very chearfully make you a Visit sometime next

Summer for that purpose. In the meantime, I think it may be proper to prevent delay, to have the Land run round in the presence of a number of Indians by a Surveyor whom I doubt not my son will depute, as soon as he shall know your pleasure. By this means the bounds of the Tract may be well ascertained, & the survey at the time of the Purchase may be declared to be made in their presence, and with their full consent. So far I do not want the consent of Council, but afterwards their consent will be necessary in order to obtain the Grant. As things stand at present I do not imagine they will refuse their Consent. If they should, I will take it upon myself with the assistance of your friends in England to obtain the Kings order for a grant of that Land to you, without your appearing directly in the application.

I think it proper the survey be made as soon as may be before you set out for Niagara, but I imagine the Purchase cannot be made formally till after your return.

To Mr Waddle Cunningham, Merchant, New York.

New York,

Sir,

Agreeable to your Request I return you two of the Three Memorials you presented praying to be relieved against the Prosecutions commenced against you at the suit of the Crown. On my laying them before the Council, though they as well as myself looked on your case in a Light which would have entitled you to a favourable Opinion they thought it improper for them to intermeddle therein, and without their concurrence I cannot take on me to grant you a Nolle Prosequi. I have directed Mr Banyar to deliver you a copy of your Second Memorial; the original must remain in the office, as it appears by the Minutes to have been read in Council. I am Sir.

To Charles Ward Apthorp, Esq^{r}.

Fort George, May 4th 1764.

Sir,

I am sorry to find by yours of this days date that you think your character & Reputation to be hurt by my delaying to admit you of his Majesty's Council of this Province on the authority of the Copy of the Mandamus which you delivered to me. It is not from any suspicion of that Copies being false, but from its not being of sufficient authority to justify me. In public acts of government of so high a nature as this, a Governor is not to be directed by his private Opinion, but by Established forms and which in this case have allwise been under the Kings Sign Manual & Signett & I am unwilling to set a precedent which may be introductory of arbitrary & irregular proceedings. In a few months you can have a Duplicate of the Original Mandamus & then I shall with pleasure admit you to the Council Table & receive your Advice. I am Sir Your humble Serv^{t}.

To the Right Hon^{ble} Earl of Hallifax.

New York, May 8th 1764.

My Lord,

M^{r} Charles Apthorp about a fortnight since deliver'd to me a copy of his Majesty's Mandamus to admit him (M^{r} Apthorp) of his Majesty's Council of this Province, which Copy is Certifyed to be a true Copy of the entry made of the original Mandamus in the books of the Earl of Hallifax's office by John Larpent.

It has been an established rule to admit no person to a seat in his Majesty's Council otherwise than by the King's pleasure, signified under his Sign Manual & Signet, & no instance I believe can be given to the contrary.

Mr Larpent who certifies the copy is unknown to me, he designs himself by no office to give him authority. I am only told that he is a clerk in the Secretary of States office. Supposing it be so the Attorney General assures me that this copy cannot be admitted as Evidence in any Court & is not of sufficient authority to justify me.

I humbly conceive my Lord that certain solemnities forms & rules are wisely established in acts of government, to preserve a proper dignity, to prevent arbitrary proceedings & irregularities productive of Confusion; and that these established forms & rules are never to be departed from without evident necessity. In the present case there can be no necessity since a Duplicate of the Original Mandamus may be obtained in a few Months by the regular return of the Packets.

The Assembly of this Province had provided for the support of the Guards on our frontiers, & for part of the Provincial Troops that had join'd his Majesty's Regular Troops only the first of this Month, which put me under a necessity of calling the Assembly to meet in the last Month. They very cheerfully in a short sessions provided for these deficiencies.

By the last Letters which I received from Sir Wm Johnson he makes no doubt of a peace with all the Western Indians & that the Delaware & Shawanese only remain in Hostility against whom he has sent several Parties of the Six Nations who he expects will effectually chastise them. I make no doubt your Lordship will have a more particular account of these things from Sir William himself, who is a better judge how far Indian Promises may be depended on at this time, than I am. I have the honour to be My Lord

To the R^t Hon^ble the Lords Commissioners for Trade & Plantations.

New York 14^th May 1764.

My Lords,

The Assembly having in the Sessions last Winter provided for the support of the Guards on the Frontiers and of part of the Provincial Troops who have joined his Majesty's Regular Troops to the 1^st of this Month; I was obliged to call them last Month to make Provision for those services which they have chearfully done, as will appear by the Printed Minutes of a very short session which I enclose.

By the letters which I have lately received from Sir William Johnson, we have reason to expect that Peace and Tranquility will be restored with all the Western Indians which I am inclined to believe from the accounts I have otherwise received that the Chenessioes and Indians at Detroit who had been in hostility are under great apprehensions from the preparations making at Albany of being chastised; and are very desirous of being received into favour on their humble submission. Inclosed is a copy of Sir Williams last Letter to me, who is a better judge than I am how far we may depend upon the faith of Indians.

There is something so singular in the enclosed Minute of Council, that I have thought it my duty to transmit it to your Lordships. The Earl of Stirling came to me with M^r Apthorp who delivered to me a copy of the Kings Mandamus to admit M^r Apthorp of his Majesty's Council of this Province certified by John Larpent who they told me is a clerk in my Lord Hallifax's office. At that time I expressed my doubt of that copy's being of sufficient authority to justify me, & told them that I would consult the Attorney General which I did. The Attorney General assured me that this copy is no Evidence in any Court, and in consequence could not justify me.

Next Council Day I mentioned my doubts of the copy's being of sufficient authority. The Earl of Stirling gave his opinion warmly to the contrary, & before he could know my resolution, for I had not then formed any, he told me he would have his opinion entered on the Minutes. The reasons which determined me appear in the Minutes inclosed. I am My Lords, &c.

To Sir W^m Johnson.

Spring Hill, Flushing, May 25th 1764.

Dear Sir,

I have your kind favour of the 28th of last month. Nothing farther on the subject-matter of some parts of it I suppose can be done till after you shall have returned from Niagara & finished the important matters you have now in hand.

Some persons have applied to me for Licenses to Trade with the Indians. I am in doubt whether any Trade can be properly allowed at this time; and if it be allowed under what limitations & conditions it is to be put. None more capable of adviseing me than you are, and therefore I beg the favor of your advice as fully as your present hurry of business will permit. My inclination is that private Persons may have all reasonable advantages of that Trade but at the same they be restrained from doing anything which may be prejudicial to the public service, Peace and Tranquility. How this may be most effectually done I hope to learn from you, & in what Sum the penalty of the Recognizance for observing the Instructions given them ought to be.

No doubt the General has informed you that the 22nd Regiment destined for Illinois is returned to New Orleans having not been able to get up against the stream.

Every account of the success of your measures gives great pleasure to Sir, Y^r

To General Gage.

Spring Hill, May 31st 1764

Sir,

I have the honor of your's of the 19th with an account of the difficulties the 22nd Regiment met with in their passage towards the Illinois which obliged them to return; I hope this will not be attended with prejudice to the publick Service, & that it may be of means to convince the Indians how much they stand in need of commerce with us.

Some have lately applied to me for Licences to Trade with the Indians. I am desirous of encouraging Private Persons in every branch of useful commerce, but as I doubt of its being prudent to Grant Licences at this time, I beg the favor of your Opinion.

I must beg you'l excuse my waiting on you next Monday, as the Gentlemen of the Council sometime since have given me expectations of their Company in this place on that Day. I am with the greatest Regard Sir

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To Robert Charles, Esq.

New York June 8th 1764.

Sir,

You have obliged me much by your favour of the 14th of April inclosing the act for laying duties in the Colonies. When I transmitted the Merchants Memorial to the Board of Trade, I gave my sentiments freely, now I am to obey. It will certainly have the good effect of restraining the growing luxury of this Colony, & lessen our expense when we cannot buy, but whether this will be for the advantage of our mother Country, I am not the proper judge.

The arguments that Paper money be not a legal

tender are unanswerable. Notwithstanding of this, a total and sudden suppression must be attended with great difficulties & hardships which may throw the Colonies into perplexities & confusion.

Almost all the reduced officers and disbanded soldiers in N° America have applied to me for the Kings bounty in Lands. I have none to grant them but those which are claimed by New Hampshire in my opinion without the least pretence of Right. If the Ministers do not support the Right of this Province, the Reduced Officers and Soldiers will suffer, for many of them have already been at considerable Expence in order to settle & Improve, & they will intirely loose the benefit of the Kings gracious intentions in their favour. They are very impatient to know the effect of my Letters to the Plantation Board on this Subject.

Be assured Sir that it will give me pleasure to do whatever I think may be agreeable to you & that I am with great Regard Sir, Your most obedient humble Servant,

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To Mess^rs^ David Van Horne, John Bogard, Jun^r^ and Richard Sharpe, New York.

Spring Hill, 7th June 1764.

Gentlemen,

It appearing by Petitions which have been presented to the Earl of Hallifax, one of his Majesties principal Secretaries of State that David Van Horne John Bogard, Jun^r^ and Richard Sharpe of New Yorke were owners of the ship the Dove, taken on the 18th of January 1762, for the Ransom of which Vessell Henry Constant doth still remain a Prisoner at Bourdeaux: His Lordship hath signified to me his Majesty's Pleasure that I do call upon the said Owners forthwith to cause the Ransom of the said Ship the Dove (being 30,000. Livers Tournois) to be discharged and in case of their neglect or refusal that I cause Prosecution to be com-

menced against them for the same in his Majesty's Court of Admiralty within this Government.

Your communicating to me the method you shall take for the immediate discharge of the Ransom Bill, will leave no occasion for so disagreeable a Measure. I am Gentlemen,

P. S.—I intend to be in Town on Saturday next.

To Gen^{l} Gage.

Spring Hill, 14th June 1764.

Sir,

The Lands reserved for the use of the Garrisons of Crown Point and Ticonderoga are the same mentioned in yours of the 12th, & the limits were taken from the Commissions of the Governors. No extent was given from the Block Houses at the Landing & Saw Mill. I have ordered ten acres to be reserved at each of them, which I think sufficient for any publick use there.

As I am directed to grant Lands to the Reduced Officers on the same conditions Reservations & restrictions on which Lands are usually Granted in this Province I think that I am not at liberty to make any new conditions or restrictions to them to which others are not subjected. No man would submit to a condition that the Garrison may cut wood on his land at their pleasure, and there can be no necessity for such condition. Great quantities of woodland not fit for cultivation will always remain on the banks of Lake Champlain not appropriated to private use.

I am with the greatest Regard Sir

To Gᵃˡ Gage.

Spring Hill June 25th 1764.

Sir,

Yesterday I received your favor of the 20th—A master of a vessel applied to me for leave to carry some of the French Neutrals to Cape Francois. I only answered that I would think of it and heard no more of him or them. Last week a French Gentleman, Sr Nadeau de Belair delivered to me a Letter from the Mrqs De Fenelon Govern of Martinique wherein he writes that by order of the King his master he sends this gentleman to carry from this Province about 150 Accadians & that he be allowed to buy a vessell for that Purpose.

This Gentn tells me that he arrived in Philadelphia and designs to go to Canada where he has a family, and thinks he cannot return before next October, but in the meantime with my permission he would hire a vessell & send off the Accadians who are desirous to go. Some of them he finds are willing to remain. I directed him to give me a list of those who are desirous to go, after which I would take the advice of the Council. I have no directions with respect to these Accadians & as to my own Part I can see no use in detaining them against their will. We would thereby harbor an enemy in our bosoms. But as you may be better informed than I am I must beg the favour of your Opinion. I perceive from what you write it will be impossible to prevent their being carried off by some of our own Vessells in hopes thereby to procure liberty or an opportunity of Trading.

You have given me great pleasure in the expectation of the honor of a visit. I am with greatest sincerity Sir

To G^w^ Banyar Esq^r^

Spring Hill, June 28^th^ 1764.

Sir,

I have your favour of the 26^th^ with the Opinion of the Gentlemen of the Council with respect to the Gov^r^ of Martinique's requisition. When I sent the Copy of his Letter to you, I had viewed the case of the French Accadians in a different light from what the Gentlemen seem to see it. These Accadians were neither treated as Subjects in Rebellion nor as Prisoners of War, & for that reason I suppose they obtain'd the name of Neutrals, neither Subjects nor Enemys. I know not that the king has at any time given directions to any of his Governors where these people are since their expulsion from Nova Scotia. It is probable the Kings Ministers have thought it most prudent to leave those People to the discretion of the several Governments where they reside without being explicit on that subject. I thought it impolitic to retain a number of disaffected people in our bosom who may on many occasions be more mischievous than they can be usefull, & I suspect that some of our Traders will from time to time carry off privately some of these French Neutrals in order to facilitate a Trade with the French Islands, & that this cannot be prevented.

But in this case I shall not be governed by my own private opinion. I shall be directed by the advice of the Council. Please to desire the Gentlemen of the Council to meet together & communicate to them what I now write, & if they please to allow you at my desire to enter their advice on the Minutes of Council it will ease me of the trouble of going to Town at this time. According to their Advice give Orders from me to Mons^r^ De Belair in such manner that the Marquis de Fenelon may have no cause to complain of want of respect to him, or of any disregard to the Amity

happily established between the Crowns of Great Britain and France.

I am of opinion that our having a list of all the Neutrall French in this Gover^{t} & where they reside may be of use whatever the advice of the Council be. I am with great Regard.

It is probable that I shall be in Town soon after the Packets arrival.

To the Right Hon^{ble} Earl of Hallifax.

New York 7th July 1764.

In obedience to your Lordships Commands of the 14th of April, I called on David Van Horne, John Bogart Jun. & Rich^{d} Sharp, owners of the ship Dove taken the 18th January 1762, for the Ransom of which ship being 30,000 Livers Tournois, Henry Constant was detained Prisoner at Bourdeaux. In answer to which they produced to me a Letter from Joseph Scot their Correspondent in London dated the 12th of April 1764, which contains the following Paragraph. I have settled the account with Peter Simond & paid him £971. 10. in full Ransom & Charges the 9th Inst. & sent Henry Constant 10 Guineas to pay his Passage &^{c} so that we may expect him here in 3 or 4 Weeks.

As his Majesty's Pleasure is fully complied with I think nothing is farther necessary to be done by, My Lord, &^{c}

To the R^{t} Honble, Earl of Halifax.

New York, July 9th 1764.

My Lord,

You have made me quite happy by your Letter of the 12th of May. His Majesty's approbation of my

feeble endeavours in his service exceeds all my hopes. May my future conduct preserve the Kings favour & your Lordships Patronage.

General Gage frequently converses with me on Indian affairs & I never fail to give him all the information I can.

Sir William Johnson is gone to the Congress which he appointed with the Western Indians at Niagara, where I have reason to hope he will establish Peace on a solid foundation. His application to business, his fatigue & patience with the humours & insolence of the Savages is truely extraordinary, for which a peculiar turn of Mind & Temper is requisite, & which Sir William is possessed of beyond any Man I ever knew. In about six weeks we may know the success of his negotiation.

It is with good reason believed that the Indians who have lately ravaged the frontiers of Virginia & Pensilvania are furnished with ammunition from the French Governor of the Illinois at Fort Chartres. The easiest communication with the Illinois Country, the Traders tell me is by the Ohio River. Fort Chartres being only 40 Leagues above the Mouth of that River, while all communication between the English Colonies and the Indians is cut off. The French in the Illinois must reap great profit by their Trade with the Indians, & will invent every excuse they can to evade or delay their evacuating that Country.

Not a single person has been killed on the frontiers of this Province. The Indians seldom attack those who are on their Guard.

We have a Report that a Cheif Justice is appointed for this Province; allow me to observe my Lord that the office of Cheif Justice of this Province requires a Man of both ability & Resolution, & is really wanted at this time.

I beg leave to observe to your Lordship that there is no instance in this Province, when a new great seal has not been sent over in less time than since the ac-

cession of the present King; & that this Province ever since the Revolution has had the honor of the King's and Queen's Pictures sent to be put up in the Council Chamber.

I most humbly thank your Lordships for the honour you have done me in takeing such particular notice of what I formerly wrote. It shall be my most earnest endeavour to preserve your regard, & the honour of being with the greatest sincerity & Submission, My Lord, your most Obedient, and faithfull Servant.

To the Right Hon^ble^ Lords Commss^rs^ for Trade and Plantations.

New York, July 13^th^ 1764.

My Lords,

I have the honour of two Letters from you both dated the 11^th^ May. One containing printed Copies of seven acts of Parliament, the other your Lordships commands to make out an account of the Bills of Credit of this Province pursuant to the Address of the House of Commons.

I have great hopes that the Encouragement given for the raising of Hemp & Flax will have the desired effect as we have large quantities of Land in this Province fit for the culture of Hemp. I am told that this year one farmer has sowed fifty bushells of Hemp Seed.

I have given orders to the Treasurer of this Province to make out without Delay the accounts which your Lordships demand, & I shall transmit them as soon as compleated.

A few Weeks since the Marquis de Fenelon Governor of Martinique sent a French Gentleman with his Letter which he says he writes by the order of the King his Master desiring leave for this Gentleman to buy a vessel to transport 150 Accadians which he is informed

are in this Province. I have answered that as I have no directions in relation to these Accadians I cannot comply with his request without previously communicating the same to his Majesty's Ministers & receiving the King's commands thereon. I now wait your Lordships pleasure & directions in relation to these Accadians. They are at full liberty to provide for themselves anywhere in this Province and live well & plentifully by their Labour and industry. I am with entire Submission My Lords, &c.

To the R^t. Hon^ble Earl of Hallifax.

New York 7^th July 1764.

My Lords,

In obedience to your Lordships commands of the 14^th of April, I called on David Van Horne, John Bogart, Jun^r & Rich^d Sharp, Owners of the ship Dove taken the 18^th of January 1762, for the ransom of which ship, being 30,000 Livres Tournois, Henry Constant was detained Prisoner at Bourdeaux. In answer to which they produced to me a Letter from Joseph Scot their Correspondent in London dated the 12th of April 1764, which contains the following paragraph: *I have settled the account with Peter Simond & paid him* £971: 10: *in full Ransom & charges the* 9^th *Inst. & sent Henry Constant* 10 *Guineas to pay his Passage &^c so we may expect him here in* 3 *or* 4 *weeks.*

As his Majesty's Pleasure is fully complied with, I think nothing is farther necessary to be done by My Lord &c.

To His Excellency the Marquis de Cruilla Vice Roy of Mexico and its Dependency's.

Fort George New York
19th June 1764.

Sir

Before the commencement of the late war Mr Walton who is one of the members of his Majesty's Council here, determining to send his Nephew to Havana for the recovery of a Ballance due to him in virtue of a Royal Schedule from the King of Spain which has been obtained by Lord Bristol Embassador at the Court of Madrid, I took the liberty of recommending him to the protection of his Catholick Majesty's Governor at Havana and of requesting that he would facilitate to the utmost of his power the dispatch of an officer so very interesting to that Family: But the rupture between the two Courts being known on his arrival he was obliged to return without accomplishing his Business.

Encouraged by the Establishment of Peace, and not doubting but the subjects of both powers, will reciprocally partake of every advantage arising from that harmony and good understanding thus happily restored between the two Courts, Mr Walton hath resolved to renew his application, & in consequence now dispatches the sloop Live Oak, Jonathan Laurence Master to La Vera Cruz with Powers to Dn Martin de Miranda Tellichia, Resident there to transact this matter in his Behalf.

Permit me therefore Sir to recommend to your Excellency's attention the case of this Gentleman. It is a Demand perfectly well established; has been long ascertained and adjusted, and as by an Express article in the late Treaty it can be no ways affected by the intervention of a war. I must, therefore, from your Excellency's known honour and justice rely on your giving Orders for the immediate payment of the Ballance whatever it shall appear to be, to the abovenamed

Agent of M^r. Walton & that the Master when prepared for his return may be furnished with the proper dispatches for his safe Conduct.

Your Excellency may be assured of my desire on all occasions of manifesting the like good disposition in favour of the subjects of Spain, and that I shall be the more happy in receiving your Commands, as they will give me the opportunity of Testifying that high Respect and Esteem with which I am, &^c.

To The Right Hon^ble The Lords Commiss^rs. for Trade & Plantations.

New York, 9^th August 1764.

My Lords,

I have received his Majesty's additional Instructions of the 6th of June last under cover from your Lordships office. In obedience to it I have issued a Proclamation of which a copy is enclosed, & I have likewise given directions to the Secretary to prepare Orders for every public office in pursuance of the same Instruction.

I never asked or demanded any Fee or Gratuity since the Government of this Province has been in my hands, but have received from the officers where the same has been usually paid the Fees paid there for the Governor. I never gave any direction to those offices in relation to Fees received for me.

Now on enquiry I can assure your Lordships that I have not received any greater Fee or Gratuity than has been received by every preceding Governor for above forty years past, & I believe few Fees in the public offices of Great Britain are upon a better establishment. I have at no time since I have had the Government of this Province received one penny as fee or gratuity for any one Commission which I have given either civil or military tho' I have had occasion to issue many of

both kinds, and I have heard that the practice has sometimes been otherwise.

I know of no complaints of exorbitant fees taken in the public offices, since the accession of the late King. About that time the Assembly of this Province knowing that Mr Burnet then Governor was soon to be succeeded, published the most unjust Resolves and injurious to his character as Chancellor in which they complained of exorbitant fees taken in that Court. The Governor by advice of Council reduced the fees in the court of Chancery so far that the officers declined acting in consequence of which this Court for many years remained in effect shut up till some years since the cases in which his Majestys subjects required Relief in Equity grew so numerous that the practitioners were under a necessity of proceeding; and meeting many delays & difficulties for want of proper officers they moved me to have the fees in the Court of Chancery re-considered that proper persons may be encouraged to take the necessary offices on them. On which I advised with his Majesty's Council, & it is now under their consideration. My Lords, you cannot easily imagine that the Governor of New York when in the court of Chancery has no proper officer to attend to preserve decorum of the Court & to secure him from insults, nor on any other solemn occasion, & yet the case is really so.

It may be proper likewise to observe to your Lordships that by his Majesty's Instructions, the Lieutenant Governor while the administration is in his hands receives only half the salary & half the fees & perquisites. When the fees & perquisites were first established a piece of eight passed for Six Shillings in current money now they pass at eight shillings, and the fees are paid in the present currency without any allowance for the difference in the real value—Servants Wages Provisions & every necessary of Life are risen above double to what they were some years since. The manner of living among all Ranks of People is now

at a much higher rate than formerly, so that it is with great economy that the Lieutenant Governor while he is invested with all the Powers and authority of the Governor in Cheif is able to find a bare subsistence with any regard to his rank & station in the Province. While the Governor in Cheif is in the Province the L^t^. Governor has not the least profit or Emolument by his commission.

As the Governor's Fees are received in the Secretaries office & naval office they will appear when these officers give an Account of the fees received in their respective offices for in truth I cannot otherwise tell you. Were I to continue in the administration of Government I would heartily wish that a salary were fixed such as his Majesty shall think sufficient to support the dignity of his Governor and not to be allowed to take any Fee or reward for any Service whatsoever.

When the public officers shall have given in the accounts required of them, I hope your Lordships will find that there is no real foundation for such complaints as have been made.

In the last place, My Lords, I am humbly of Opinion that if your Lordships shall think proper to direct the Governor of this Province with the advice of his Majesty's Council to prepare Tables of Fees to be taken in every public office to be sent over to your Lordships for your approbation before they be finally inforced, it may prevent many inconveniency's that must happen in any other method & ease your Lordships of much trouble. I sincerely believe that great grounds of complaint arise from the dilatory & expensive proceedings in the courts of justice to the oppression of the Poor, & in many cases to the suppression of justice, I therefore earnestly recommend this Grievance to your Lordships consideration in your directions to the Governor. I believe that the Expense of Law suits in this Province yearly amounts to more than four times the support of Government. I am with the greatest Submission My Lords.

A Proclamation.

George *the Third, by the Grace of* God of Great Britain France *and* Ireland, *King, Defender of the Faith*, and so forth. Whereas frequent complaints have been heretofore made, that exorbitant Fees have been demanded and taken in the public offices in several of our colonies and plantations in America, for Business transacted in such Offices. And whereas it hath been represented unto Us, that there is great Reason to apprehend that such unwarrantable Demands and Exactions are still continued in some of Our Colonies, particularly on the Survey and passing Letters Patent for Lands. And whereas such shameful and illegal Practices do not only dishonour Our Service, but do also operate to the Prejudice of the Publick Interests, by obstructing the speedy Settlement of Our Colonies. We do hereby express Our just Indignation at such unwarrantable and dishonourable Practices; strictly enjoining and requiring all public officers whatever in their respective Stations, not to demand or receive any other Fees for public Business transacted in their Offices, than what have been established by proper Authority, upon Pain of being removed from their said Offices, and prosecuted with the utmost severity of the Law. In Testimony whereof, we have caused the Great Seal of Our Province of New York, to this Our Royal Proclamation to be affixed, and the same to be made Patent. Witness our trusty and well beloved Cadwallader Colden, Esq. Our Lieutenant Governor and Commander in Chief of Our Province of New York, and the Territories depending thereon in America, at our Fort in our City of New York, the Seventh Day of August, 1764, in the Fourth Year of Our Reign.

Clarke.

God *save the* King.

Proclamation.

By the Honourable Cadwallader Colden, Esq; *His Majesty's Lieutenant Governor and Commander in Chief of the Province of New York, and the Territories depending thereon in America.*

To

Greeting:

Whereas by His Majesty's additional Instruction to His Captain-General and Governor in Chief of this Province, given at St. James's the Sixth Day of June last, among other Things therein contained, he is strictly enjoined and required forthwith upon receiving the said Instruction, to cause fair Tables of all Fees legally established within the said Province, to be affixed up in every public Office within the same: And also forthwith to transmit to the Lords Commissioners for Trade and Plantations, in order to be laid before His Majesty, an exact and authentick List or Table of all Fees allowed to or taken by each Officer respectively within the said Province, specifying by what Authority the Fees allowed to, or taken by each officer are established; and distinguishing such, if any, as are taken without any such Authority.

You are therefore, in Obedience to the said Instruction, hereby in His Majesty's Name, strictly enjoined and required forthwith to affix up in your Office, a fair Table of all Fees legally established in this Province, as far as the same relate to your Office: And also forthwith to Return to me under your Hand, in order to be transmitted as aforesaid an exact and authentick List or Table of all the Fees allowed to, or taken by you; specifying by what Authority the Fees allowed to, or taken by you, are established; and distinguishing such, if any, as are taken without any such Authority. And hereof fail not.

GIVEN *under my Hand and Seal at Arms, at* Fort George *in the City of* New York, *the Day of* 1764, *in the Fourth Year of the Reign of Our Sovereign Lord* GEORGE *the Third by the Grace of* GOD of Great Britain, France, *and* Ireland, *King, Defender of the Faith*, and so forth.

TO THE RIGHT HON^BLE EARL OF HILLSBOROUGH.

New York August 10^th 1764.

MY LORD

I have the honour of your Lordships Commands of the 8^th of June which I communicated to his Majesty's Council of this Province. They observed that they had at Major Skene's Request, & on my recommendation of his Case advised me to grant to him 25,000 Acres of Land, including his improvements excepting one small piece which was at so great a distance from the rest that it could not be included in one Tract with the others conformably with the Kings Instructions. Which small piece was likewise included in a Tract which they had advised Governor Monckton to Grant to the officers of the Artillery & which has since been surveyed for them.

Having at the same time communicated the King's Order in Council to Grant 20,000 acres of Land to Major Skene, the Council concluded from the tenor of your Lordships Letter that he had not informed your Board of the Proceedings here in his favour and are of opinion that your Lordships intention is that he receive only 20,000 acres of Land including his Settlements and improvements: and therefore notwithstanding that 25,000 Acres had been Surveyed at the desire of Major Skene's Agent, they advised me to grant only 20,000 acres to him till his Majesty's Pleasure be known. In cutting off the 5000 acres, I shall take care that it be done in the manner least prejudicial to him, and that he lose none of his improvements thereby.

While this matter relating to Major Skene was under Consideration of the Council one of them told me that another order of the King in Council is in this place to Grant 30,000 acres of Land to Lieutenant Donald Campbell, & that he had seen it.

I can conceive no reason why this Order of the King has not been presented to me, but that his Agent M^{r} Smith Jun^{r} is conscious of its being obtained by misrepresentations and false suggestions. L^{t} Campbell before he went to England received from me a Grant of 10,000 Acres for himself his Brothers & Sisters, and he is likewise included in the General Orders I have Given to survey Lands for the Reduced Officers by which he is to have 2000 acres more without any Fee.

Before L^{t} Campbell went from hence I had granted 47,500 acres more to the Persons whom his Father had deluded from Scotland into this Province and to their Children: and I never granted any land with more pleasure than this: for the Grant to these People when they arrived was obstructed by the fraudulent views & practices of the Father in respect to these People.

I have good reason to suspect that L^{t} Campbell has supported his pretensions by the History of New York written by William Smith, Junr. who is his agent here and that he has received his Instructions from M^{r} Smith. I can take upon myself, if required, to shew from authentic Papers remaining in the office of the Clerk of the Council, that the account given in that History of this affair relating to the Scotch People is absolutely false and a misrepresentation of facts. In numerous other instances the Narrative in that History is inconsistent with Truth and Candor. It was written to serve the purposes of a Faction then in this Province, & with a view to asperse and weaken the administration. Any attentive reader may discover this.

My Lord, you know that, in many Cases a Governor or Chief Officer cannot do his Duty without incurring the Malice & Resentment of Men, who are disappointed in their views & pretensions. It will appear from

several Papers now in your Lordships office that I have had my share of such resentment: and therefore I flatter myself that your Lordship will not be displeased with the trouble of so long a Letter, tho' it be the first which I have had the honor to write to you.

If Ear be given to every private & perhaps Malicious suggestion without giving an opportunity to answer; & severe censures be thereon published by the highest authority, the Kings officers are certainly to be pitied. I hope that by my letter of yesterday to your Lordships Board, I have sufficiently justified myself with respect to any Fee or Perquisite which I have received. But as the Proclamation which I have published must certainly create reflections among the People prejudicial to the characters of the Officers of Government, I am at a loss in the meantime how to behave before the officers can Justify themselves without being conscious of deserving any Censure especially in a place where there has been a long and continued effort to weaken the hands of Government.

The Salary of the Governor in Cheif is £1800 current money, the half of this £900, which is allowed by the Kings Instructions to the Lieutenant Governor is not sufficient to support a family with any kind of distinction as every officer of the army who has been in New york can inform you. If the King shall please to Grant any Sum he shall think proper out of his Quit rents of this Province or otherwise, to the L^{t} Governor in lieu of all fees whatsoever, I shall give them up with the greatest pleasure and satisfaction.

I earnestly intreat your Lordship that you will please to give me your directions or advice as soon as may be convenient. This will greatly encourage me in my Duty, My Lord, Your most obedient & faithfull humble Servant

To the R^t Hon^ble Earl of Hallifax.

New York, 11^th August 1764.

My Lord,

I have by the last Packet the honor of a Duplicate of your Lordships Letter of the 12th of May & your Letter of the 9^th of June. It is with the highest gratitude I observe the regard you have to my Interest. If my Duty did not, which it ever has & shall, incite me to exert every faculty in his Majestys Service, the obligations you have laid me under not to be found unworthy of your favour certainly would.

I must however own to your Lordship that his Majesties Additional Instruction of the 6th of June has given me some shagrene, tho' not from being conscious of deserving any censure. The Proclamation which I have published in obedience to that Instruction must certainly create in the Minds of the People Reflections injurious to the characters of the officers in the Administration, however innocent they or any of them be.

I have wrote particularly to the Lords of the Plantation Board, and to my Lord Hillsborough from whom I have the honor of a Letter, as to any part which I imagined could concern myself. Be assured, my Lord, that I have advanced nothing which is not strictly conformable to Truth. I have been the more particular, because your Lordship knows there has been a long continued effort in this Province to weaken the hand of Government with prejudice to his Majesty's Rights and Authority: and I am afraid the Proclamation may add force to these Efforts.

I am in daily Expectation of hearing of the success of Sir William Johnson's Negotiation with the Indians. He met a great number of them at Niagara, about the 7^th of July.

The People on the Frontiers of this Province remain quiet without molestation. I am with the most sincere affection My Lord, &^c

To the R^t Honble Lords of Trade & Plantations.

New York, 11^th Aug^t 1764.

My Lords,

As I was closeing my Letters to go by the Packett I received the inclosed Account from the Treasurer of this Province which I had directed him to make out, in obedience to your Commands of the 11^th of May.

I likewise inclose a printed Copy of the Kings Proclamation, & a printed Copy of the directions I send to every public officer in this Government, in pursuance of his Majesty's additional Instruction of the 6^th of June.

I endeavour on all occasions to evince my zeal in his Majesty's service & that I am with intire submission My Lords, &^c

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Treasurer's Account.

An Account *of what Bills of Credit have been Emitted in this his Majesties Government in the Colony of New York since Jany.* 1749, *untill this present Year of our Lord* 1764, *together with the time of their currency, the funds appropriated for Sinking and Cancelling the said Bills, and the Exchange of both at the time when such Bills were issued, to the date of this acc^t to wit:*

1755. February 19th.

Then passed an Act of the Governor Council and General Assembly for Emitting Bills of Credit to the value of £45.000.

In the Year 1755. The Exchange then variable from 80 to 85 p^r C^t the medium of which being 82½ p^r C^t making money of G. Britain £24.657. 10. 8½.

In the Year 1764. The Exchange then variable from 82½ to 85 p^{r} C^{t} the medium of which being 83¾ making money of G. Britain £24.489. 15. 11.

The Currency of this Emission was by Act untill the first Tuesday in November 1761.

The fund for sinking & Cancelling the said Bills by a Tax on Estates both real & personal of all & every the Freeholders, Inhabitants & residents within this Colony And the Bills Cancelled every Six Months at the Treasurers office by Commissioners appointed by Act for that purpose.

1755. May 3.

Then passed an Act as aforesaid, for limiting Bills of Credit to the value of £10,000.

In the Year 1755. The Exchange then at 82½ p^{r} C^{t} money of G. Britain £5.479. 9. 1¾.

In the Year 1764. Ditto Exchange variable upon a medium 83¾ p^{r} C^{t} amounting to money of G. Britain £5442. 3. 6¾.

This Emission was to remain current untill the first Tuesday in Nov^{r} 1762.

The fund for Sinking the said Bills was by a Tax on Estates both real & personall as aforesaid.

1755. Sept^{r} 11.

Then Emitted by virtue of the said Act Bills of Credit to the value of £8000.

In the Year 1755. The Exchange then at 82½ p^{r} C^{t} money of G. Britain £4383. 11. 3.

In the Year 1764. Ditto Exchange variable & the exchange as above amounting to money of G. B. £4353. 14. 10½.

This Emission was to remain current by Act untill the first Tuesday in Nov^{r} 1761.

The fund for sinking the said Bills was by a Tax on Estates both real & personal as aforesaid.

1756. April 1.

Then emitted by virtue of the s^{d} Act Bills of Credit to the value of £10.000.

In the Year 1755. The Exchange then at 85 p^{r} C^{t} money of G. Britain £5405. 8. 1½.

In the Year 1764. Ditto Exchange variable & the Exchange as above amount^{s} to money of G. B. £5442. 3. 6¾.

This Emission was by Act to remain Current untill the first Tuesday in Nov^{r} 1761.

The fund for sinking the said Bills was by a Tax on Estates both Real & Personal as aforesaid.

1756. April 1.

Then Emitted by virtue of the said Act Bills of Credit to the value of £52000.

In the Year 1755. The Exchange then at 85 p^{r} C^{t} money of G. Britain £28108. 2. 2.

In the Year 1764. Ditto Exchange variable as above money of G. Britain £28299. 6. 5½.

This Emission to remain current by Act untill the first Tuesday in November 1766.

The fund for sinking the said Bills is by a Tax on Estates both Real & Personal as aforesaid.

1758. March 24th

Then Emitted by virtue of the said Act Bills of Credit to the value of £100,000.

In the Year 1755. The Exchange then from 70 to 75 p^{r} C^{t} upon a medium 72½ Money of G. Britain £57971. 0. 3½.

In the Year 1764. Ditto Exchange variable & calculated as aforesaid being money of G. B. £54.421. 15. $4\frac{3}{4}$.

This Emission is to remain current by the aforesaid Act untill the first Tuesday in November 1768.

The fund for sinking this Emission is by a Tax on Estates both Real & Personal as aforesaid.

1759. March 7th

Then Emitted by virtue of the said Act Bills of Credit to the value of £100000.

In the Year 1755. The Exchange then from 68 to 70 p^{r} C^{t} upon a medium 69 money of G. Britain £59171. 11. 11.

In the Year 1764. Ditto Exchange variable and calculated as aforesaid being money of G. Brit. £54421. 15. $4\frac{3}{4}$.

This Emission is to remain current by the said Act untill the first Tuesday in November 1768.

The fund for sinking this Emission is by a Tax on Estates both Real & Personal as aforesaid.

1759. July 3.

Then Emitted by virtue of the s^{d} Act Bills of Credit to the value of £150000 to enable his Majesty's General to pay the debts contracted & to carry on his Majesty's Service in North America £150.000.

In the Year 1755. The Exchange then at 69 p^{r} c^{t} being money of G. Brit. £88757. 7. 11.

In the Year 1764. Ditto Exchange variable and calculated as afores^{d} being money of G. Brit. £81632. 13. 1.

This Emission was to remain current for twelve Months from the date of the said Bills which being the 20th of July, 1759.

The fund for sinking this Emission has been repaid into the Treasury by Abraham Mortier Esq^{r} Deputy Pay Master General of all his Majesty's forces in North America, partly in the s^{d} Bills of Credit, and in Gold & Silver, the latter of which has been given in exchange from time to time for Bills emitted by virtue of the said Act, and the whole Cancelled or burnt to ashes by the several Commissioners appointed for that purpose, Excepting the sum of 192 £ hitherto not brought into the Treasury.

1760. March 22^{d}.

Then Emitted by virtue of the s^{d} Act Bills of credit to the value of £60000 being the ninth and last Emission £60,000.

In the Year 1755. The Exchange then from 65 to 80 p^{r} C^{t} which upon a medium is 72½ p^{r} C^{t} being money of G. Britain £34782. 12. 2.

In the year 1764. Ditto Exchange variable from 82½ to 85 p^{r} C^{t} and calculated as aforesaid at 83¾ p^{r} C^{t} being money of G. Britain £32653. 1. 2¾.

This Emission by Act of Assembly is to remain cur rent untill the first Tuesday in November 1768.

The fund for sinking and cancelling this emission is by a Tax on Estates both Real & Personal as afore said.

Treasury Office: New York, 20 Day of July, 1764 Errors Excepted.

A: D: Peyster *Treasu*^{r}

To The Hon^ble Daniel Horsmanden, Esq. Cheif Justice of the Province of New york.

Spring Hill 16th Aug^t 1764.

Sir,

You was present in Council when I communicated his Majesty's additional Instructions of the 6th of June last. From the printed Proclamation & the Inclosed Copy of the Orders which I have issued in pursuance of that Instruction to the Secretary, Attorney General, Surveyor General, Officers of the Court of Chancery, Officers of the Customs, Sheriffs & Clerks of the Counties &c., the whole purport of that Instruction will appear to you nearly in the words in which it is given.

The preamble of my Orders is in the words of the Instruction, & from thence you may Judge whether the Attorneys & Practitioners in the Supreme Court are comprehended within the intention of it. If you be of opinion that they are, & that I ought to serve them with the like Orders please to signify it to M^r Banyar that he may prepare Orders accordingly.

I know of no Ordinance for establishing Fees since the year 1710, except as to the Court of Chancery. It has been a prevailing Opinion with the Gentlemen of the Law, as I am inform'd that the Ordinance published in the year 1710 in the Governor's Name for establishing Fees is not now in force, and that the Officers are at Liberty to take such reasonable Fees for their Services as the nature of their Service deserves, and that the Judges have allowed the Fees of Attorneys and Practitioners in the Supreme Court accordingly, without strict regard to the Ordinance of 1710. This Opinion of the Gentlemen of the Law, & the practice of the Judges in taxing Bills of Costs may perhaps have had some influence on other officers in takeing fees due for their Services.

I am of opinion that the King & his Ministers cannot be sufficiently informed in their design of enquiring

into the Fees taken by all the officers of this Government & of regulating the same without being fully informed of the Fees received by the Judges themselves & of the Fees allowed by them to the officers of their Court. I must desire of you to deliver to me a Table of the Fees received by the Judges of the Supreme Court, and a Table of the Fees allowed to the Attorneys & Practitioners in Taxing Bills of Costs that I may transmit the same to the Lords of Trade & Plantations by the next Packet.

Please to communicate this to the other Judges who are at this time in Town. I am with great truth & regard

Copy sent to the Board of Trade Oct^{r} 1764. For M^{r} Horsmanden's answer dated 10th September 1764, received the 26th the Packet having sailed the day before —see . . . [*post*] the original being sent to the Board of Trade.

To Richard Morris, Esq^{r}, Commissary & Judge of the Court of Vice-Admiralty for the Province of New York.

Spring Hill 16th August 1764.

Sir,

I enclose a printed Copy of the Orders which I have sent to the several Officers in this Government in pursuance of his Majesty's Additional Instructions of the 6th of June last. The preamble in my orders is in the words of the Instruction. This with the Proclamation which I have published in the King's name may fully instruct you in the purport of this Instruction.

Please to send me a Table of the Fees received by the Judge of the Court of Vice Admiralty, and likewise a Table of the Fees allowed to the Officers & Practitioners in taxing Bills of Cost in that Court, distinguishing in the manner required by the said Instruc-

tion that I may transmit the same to the Lords Commissioners for Trade & Plantations by the next Packet. —I am &c

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To Major General the Hon^ble Thomas Gage.

Spring Hill, August 23^d 1764.

Sir,

I have the honour of your Letter of the 16^th wherein you favour me with the accounts you have from Niagara. I have not a single line from Sir William. By a private Letter I am told the Senecas granted everything which Sir William required of them. I wish the Chenessioes had received a thorough chastisement for the cruelties they have perpetrated. It would have made the Peace more permanent for I am affraid it cannot be firm & lasting unless the Indians be really affraid of being severely punished in case of any perfidy hereafter. Now I suspect the plan must be pursued which Sir William has begun. I am with great Respect &c

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To Sir W^m Johnson.

Fort George Sept^r 3^d 1764.

Dear Sir,

With the greatest pleasure I received yours of the 23rd of last Month giving me an account of the success of your Negotiations with the Indian Nations who met you at Niagara, so highly beneficial to all North America, & which I make no doubt will in consequence thereof procure a general pacification with the Indians everywhere—So signal a Piece of Service must certainly procure you universal applause & intitles you to his Majestys distinguished favours.

I believe you will not think it proper that Licence to Trade be granted till after Col. Bradstreet shall

have compleated what he has to do. You was formerly of Opinion that the Trade should be confined to the Garrisoned Posts, & that no [traders] be allowed to go among the Indians. I shall be glad to have your advice as to the Terms on which Licences to Trade are to be granted and what security may be proper to take for the performance of the Conditions of the Licences. Mr Duncan has applied for a Licence as soon as it shall be proper. I believe you have no objection to him & I am very willing to gratify him.

I shall tomorrow communicate your Letter to the Council in relation to the Complaints of the Conojoharies of Injuries don them by some of the Inhabitants & to take their advise thereon. I am fully convinced that the friendship of the Indians would be more effectually secured by establishing a method of their obtaining Justice in a Summary way, and of this I intend to write my Opinion to his Majesty's Ministers as a matter of the greatest Consequence for securing a lasting Peace with them.

I am to meet the Assembly tomorrow at their own Request, which I could not refuse them without giving them great disgust. This will unavoidably debar me of the pleasure I proposed in a Visit to you. As I know not in what humour the Council may be as to adviseing the Grant of the Lands you mention, I think it best to take the Method I formerly proposed of obtaining his Majesty's Order for the Grant. This method will be attended with this advantage that it may be granted wholly in your own Name & thereby avoid the inconveniency which attends the using of Trustees, & probably it may be obtained free of Quit rent for 10 years as the Grants to reduced officers are. If you approve of this I shall as soon as I know your pleasure transmit to you a draft of my Letter to the Board of Trade for that purpose for your approbation & amendment. I am with the highest Esteem & Regard Sir

To Major General the Honorable Thomas Gage.

Fort George Sept^{r} 6, 1764

Sir,

I communicated to the Council the danger of some infectious distemper from the Indians in Jail of this city, & that it is thought proper to separate them in order to prevent it. They think it best to send three of them to Kings County, three to Queens County and three to Suffolk. I shall give orders to the several Jail Keepers to receive them, as soon as you think proper to order a Guard as you proposed to convey them to the several Prisons, It is expected that you will order Provisions for their subsistence as you have while they were in the Prison of New York. I am told that some Persons now in the Barracks who were lately set at Liberty by the Indians are Evidences of Murders & cruelties committed by Capt^{n} Bull. You may be assured of the truth by ordering these Persons to be examined. The Gentlemen of the Council think it proper that Capt^{n} Bull be continued in the Prison of New York with one or two more of the most Guilty, & all those who are already sick. I am with great Respect Sir.

To His Excellency Gov^{r} Wentworth.

New York, 10th Sept^{r} 1764.

Sir,

I have the favour of your Letter of the 17th ult^{o} desiring I would give orders for the Release of four persons belonging to your Government committed by the authority of this to the custody of the sheriff of Albany. The Account you have received of this affair, differs so widely from the information of the Sheriff himself, that I enclose your Excellency a copy of his Letter on the subject by which it appears that before

these persons were apprehended the Sheriff got intelligence that they had already ousted one Jury Cregier from his Possession and intended on the Day following to dispossess Peter Voss & Bastian Deale, which they afterwards actually effected.

Voss and Deale had occupied the Lands for upwards of thirty years except when forced by the Indians to abandon their settlements during the war, and all of them held under a Grant of this Province so ancient as the year 1683, a circumstance which alone ought to be deemed of sufficient Weight against the Claim of New Hampshire expressly limited by the Crown to the confines of the other Provinces. The warrant therefore under the sanction of which the Parties acted is I humbly conceive no justification of their Conduct. Accordingly his Majesty's Council on my communicating your letter to them were of opinion that as the Lands in Question were undoubtedly within the Jurisdiction of New York the Delinquents should abide the Event of the Law, but that I might interpose as far as consistent with my Duty to prevent the Magistrate from demanding excessive Bail on which head the Sheriff has my directions.

I am happy in finding in your Excellency Sentiments so conformable to my own, by submitting to his Majesty's Determination a Controversy which while subsisting must greatly endanger the Peace of the two Governments, and that nothing might be wanting on my part towards so salutary a Measure, I have already laid before his Majesty's Ministers whatever I thought proper to urge in support of the Rights of this Government. I am with great Regard

To His Excellency The Hon^ble James Murray Governor in Cheif of his Majesty's Province of Quebec.

Fort George, New York, September 19th 1764.

Sir,

With great pleasure I congratulate you on your haveing received his Majesty's Commission of Governor in Chief of his Majesty's Province of Quebec I think myself happy that the Affairs of our Government may give frequent opportunities of corresponding with you.

A Letter for you and another for Col. Burton from the Secretary of States Office came inclosed to me. I now send them by Major Disne, who I am informed returns this Day for Montreal.

Part of a Letter of the 13th of July which I have received from the Lords of Trade & Plantations, has some reference to you I therefore send a Copy of that part. I have already granted all the Lands between Crown Point and Lake George on the West side of the waters to Reduc'd Officers, and the Lands on the East side are likewise surveyed for other Reduced officers, and would soon have passed the Seal had not this Order put a Stop to it. This will prove a great disappointment to these Gentlemen after a considerable Expence in surveying these Lands while I was desirous of giving them the best Lands that can be found.

As I know not the precise boundaries of these Concessions referr'd to in the Lords of Trade & Plantations Letter, I must beg the favour of your sending me a Copy at least of their boundaries, lest I should stop Grants where it is not necessary.

You can judge better that I can how far it may seem prudent to prefer French to British Officers on so important a Pass between the Kings old and new subjects. Please to communicate your Sentiments freely, as I intend to write mine to their Lordships. I am with the greatest Esteem & Respect.

To His Excellency Montague Wilmot Esq^{R} Gov^{R} in Cheif of Nova Scotia.

Fort George New York, Sept^{r} 19th 1764.

Sir,

I send by Post with this a Letter for you from the Secretary of States Office, which came inclosed to me. The under Secretary writes that you complain of your Letters being long delay'd at the Post Office in New York. The Post Master assures me of his having forwarded by the first post after the arrival of any Packet all the Letters that came by her. I suspect therefore that the delay in forwarding your letters has happened at Boston where the inland Postage must be paid, if no regular Post be settled between Boston & Hallifax. If you please to name any person in Boston, the Postmaster here will direct your Letters to that person's care. I am with great Regard.

To the R^{t} Hon^{ble} Lords Commissioners for Trade & Plantations &c.

New York 20th Sept^{r} 1764.

My Lords

I have the honor to transmit to your Lordships printed Copies of my speech to the Council & Assembly, the Councils Address—and Manuscript Copies of the Assembly's Address & my Answer. This Address of the Assembly appeared to me so undutifull & indecent that I think it incumbent on me to give your Lordships a particular account of my Conduct thereon. As soon as I discovered the tenor of the Address I endeavoured by every method in my power to dissuade them from inserting suggestions which I think highly disrespectfull to the Legislature of Great Britain, for which there can be no foundation, & are inconsistent with that

deference to the Wisdom & Justice of the British Parliament which they profess. Tho' I prevail'd so far as to have the Address reconsidered after it had been form'd, I could obtain no material alteration. I then communicated a Copy of the Address to the Gentlemen of the Council, resolving to take their advice, as to what might be proper for me to do, before I receiv'd the Address; but they being only four at that time in Town, declined to give any advice till they had a fuller Board. Accordingly I told the Assembly after they had presented their address to me, that I designd to have taken the Advice of the Council before I gave them an Answer, but as the Gentle[n] present declined to give Advice till there was a fuller Board I must delay my answer.

This was on Friday. Next Monday before Noon all the Gentlemen of the Council in the Province, except Sir William Johnson who lives at a great distance attended. Then it was unanimously agreed that the dissolving the Assembly could serve no good purpose, seeing I could not prevent the Publishing of the Address, for it was then actually Printed in a public Newspaper.—A Dissolution would tend farther to inflame the Minds of the People—that they who deserved the public Resentment would not feel it by a Dissolution; and as the officers of Government are at this time without any Support, they must suffer who are not in blame—& therefore since a proper Resentment cannot at this time be shewn, they advised me to give as soft an Answer as the Case would admit. Accordingly with their unanimous approbation I gave the answer of which the inclosed is a Copy.

It is my Duty to inform your Lordships from whence this violent Spirit arises so far as I can Judge from Circumstances and the Characters of the Men who at this time lead in the Assembly, & I shall now do it, tho' with the risque of the effects which the invenom'd Malice of Avarice & Ambition may produce.

Your Lordships have been inform'd of several ex-

travagant Grants of Land in this Province: three of them contain as the Proprietors claim, above a Million of Acres each; several others above 200,000. All these were made without any previous Survey as usual in other Cases, and without mentioning any quantity intended to be Granted. Tho' these Grants contain a great part of the Province; they are made on trifling acknowledgments. The far greatest part of them still remain uncultivated, without any benefit to the Community, & are likewise a discouragement to the settling & improving the Lands in the neighbourhood of them; for from the uncertainty of the boundaries the Pattentees of these great Tracts are daily enlarging their pretentions, & by tedious & most expensive Law-suits distress & ruin poor families, who have taken out Grants near them: of all which I propose to send your Lordships particular proof before Winter.

Three of these great Tracts have in their Grants the Priviledge each of sending a Representative in general Assembly so that the Proprietors are become Hereditary Members of that House. The owners of the other great Pattents being Men of the greatest Opulence in the several Counties where the Tracts are, have sufficient influence to be perpetually Elected for these Countys.

The General Assembly then of this Province consists of the Owners of these extravagant Grants, the Merchants of New York, the principal of them strongly connected with the Owners of these great Tracts, by family Interest, & of Common Farmers, which last are Men easily deluded & led away with popular Arguments of Liberty & Privilege.

The Proprietors of the great Tracts are not only freed from the Quit rent which the other Land holders in the Province Pay, but by their influence in the Assembly are freed from every other public Tax on their Lands.—While every Owner of improved Lands has every Horse, Cow, Ox, Hog, &c and every Acre of

his Land rated; Millions of Acres the Property of private Persons contribute nothing to the public necessary Expence.

The Proprietors of these large Tracts having been lately informed by their Correspondents in England that there is a design to Tax all the Lands equally for defraying the public charge they have taken the allarm, & by every artifice inflame the Peoples Minds in hopes thereby to deterr a British Parliament.

But if the owners of the cultivated Lands, who exceed the others in numbers beyond any proportion, shall find that by an equal Taxation of all the Lands they are to be freed from unreasonable Taxes on their Industry your Lordships may judge what effect the knowledge of this is likely to have on the Minds of People in general, when they consider things as they really are. At the same time I may assure your Lordships that the People of this Province before the present Sessions were far from Entertaining the Sentiments contained in the Assembly's Address.

To Edward Sedgwick, Esq. Under Secretary in the Secretary of States Office for the Southern Department.

New York 21 Sept^{r} 1764.

Sir,

I have the favour of your Letter of the 14th of July, & am oblidged to you for the information you give me, by my Lord Halifax's direction, in relation to the Mandamus for M^{r} Apthorp. He has not as yet presented it to me.

The Assembly of this Province in an Address to me, have expressed their Sentiments, in respect to their being Tax'd by a British Parliament, in a manner, which I think, disrespectfull & even indecent. I have sent a Copy of their Address to the Lords Commissioners for

Trade & Plantations, with a particular account of my Conduct thereon.

Without doubt my Lord Halifax will receive an account, from Sir William Johnson of the Peace he has made with the Indians at Niagara.

The Guards are now removed from our Frontiers & the People there live in Peace & quietness, tho' it be still otherwise on the frontiers of Pensilvania & Virginia.

The Post Master in this Place assures me, that he forwards every Letter which comes by the Packet, by the first Post after her arrival, as they are directed; and that if Gov^{r} Wilmot's Letters meet with any delay, it must be at Boston, as he forwards them to the Post Office in that Place. I have wrote to Gov^{r} Wilmot desiring him to appoint some person in Boston to take care of his Letters.

It will give me great pleasure to have it in my power to serve you in every shape in this part of the World. I am with great truth & regard Sir

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To The R^{t} Hon^{ble} Lords Commissioners for Trade & Plantations.

New York, 21st Sept^{r} 1764.

My Lords,

I have the honor of your Lordships Letter of the 13th of July. It gives me the greatest satisfaction & pleasure that the several representations I have made have obtained your particular notice, especially that concerning the Dispute between this Gov^{t} and New Hampshire.

Your Lordships may observe from the inclosed Copies of the Sheriff of Albany's Letter—Governor Wentworth's Letter to me—and my Answer, that it will tend greatly to the Peace & Wellfare of his Majesty's Subjects, that his Determination of this dispute be

transmitted as soon as possible. It is extraordinary that M^r^ Wentworth should make his first Settlement within twenty Miles of Hudsons River, & to dispossess the ancient settlers under New York, without waiting to know his Majestys Pleasure, while a large Country between his new Settlements & Connecticut River remains unsettled. Surveyors have been employed all this summer in laying out Lands for the Reduced Officers and Disbanded Soldiers of his Majesty's Army, who have Served in America during the last War. In their Surveys they discovered markes of Surveys lately made by New Hampshire People & some scatter'd Hutts here & there Erected as Evidences it is supposed of their Possession, but without any Inhabitants.

It gives me great concern that your Lordships think proper to direct that no Grants whatsoever be made of the lands mentioned in the Memorial of Mons^r^ Michel Chartrier, for all the Lands on the West side of the Waters from Lake George to Crown Point are already granted under his Majesty's Seal of this Province pursuant to his Royal Proclamation to Reduced officers, & those on the East side are survey'd and set out for other Reduced officers at a very considerable expence to them, & nothing prevented the Grants from being fully authenticated, but the time which was necessary for their passing through the proper offices before the Seal can be regularly affixed.

I suspect that as soon as your Lordships directions shall be known, the officers disappointed thereby will clamour loudly, imagining that they have a Right by the King's Proclamation to the Lands which have been Survey'd & set out for them in consequence thereof. One of them has carried some families to settle.

All the Lands near Crown Point & about 20 Miles to the Northward of it are & were at all times undoubtedly within this Province and were purchas'd of the Indians many years since. The French can have no Right but that of Intruders & their Intrusions was the occasion of the last War.

I beg your Lordships will allow me to add that the Waters leading to Crown Point & that part of the Country, is the only pass between his Majesty's old & new Subjects, of whose fidelity, if we may judge by what happened in Nova Scotia, we have reason to be doubtfull, in case of any future War with France. It seems therefore prudent that a pass of such consequence be secured by British Officers & natural Subjects rather than by French.

I have communicated your Letter desiring an abstract of the Record of the Grants of Lands, to the Deputy Secretary, who has readily undertaken to do it: but it cannot with the closest application be finish'd in several Months. As I have no fund to pay such extra services, attended with considerable expence of Clerkship, I must entreat your Lordships not to allow his Majesty's Servants to have reason of Complaint by their willingness to serve.

The packet goes so soon after her arrival, that I cannot answer other parts of your Lordships Letters with any degree of precision at this time.

I flatter myself that your Lordships will not be displeased with my communicating my Sentiments freely, such as they are, but it is done with entire submission by—

To The R^t Hon^ble Earl of Halifax, &^c

New York Sept^r 22^nd 1764.

My Lord,

In obedience to his Majesty's Commands, signify'd to me by your Lordships Letter of the 14th of July, I have made all the enquiry in my power, by the Members of his Majesty's Council of this Province, & by the Masters & Wardens of this Port and otherwise for discovery of the Persons, who have committed the Violences against the Subjects of Spain, complained of by the Spanish Embassador & said to be done by

English Pirates or Privateers. I have likewise directed the Master & Wardens of this Port, to continue their enquiries of every Vessel which shall arrive from the West Indies.

After all my enquiries I can make no discovery of any person guilty of such violences.

All the Privateers from this Post return'd soon after the cessation of arms. No private armed Vessel has gone from this Port since the Peace, or any Vessel with more than her usual Complement of men, so far as I know or am inform'd. If any discovery be made hereafter, I shall do my utmost to secure the guilty Persons & bring them to Justice. I am with the highest Respect

Duplicate by the Packett Oct^{r} 14th to which was subjoined [Letter of] October 13th 1764.

To The R^{t} Hon^{ble} Earl of Halifax.

New York 22^{d} Sept^{r} 1764.

My Lord,

Mess^{rs} John & Henry Cruger Merchants of this place, have desired me to transmit the inclosed Papers to your Lordship, & to intreat your Lordship to obtain them redress for the injustice done them by the French Kings officers at Port au Prince on the Island of Hispaniola, in seizing & confiscating their sloop Jove and her Cargoe to the value of £1344 New York Currency. As the proccedings of the French Kings officers, are likewise contrary to the amity which subsists between the Crowns of Great Britain and France, whereby the Subjects of either Crown, ought to relieve the others when in distress—I make no doubt this matter will have its due Weight with your Lordship. I am with the highest Respect.

To Sir William Johnson, Bart.

Fort George New York Oct^{r} 1, 1764.

Dear Sir,

I have the pleasure that I can give you an agreeable Answer to your favour of the 21st of last Month, inclosing the Indian Speech.

By directions of the Lords of Trade & Plantations, I am now preparing a Message to the Assembly to vacate the Pattent of Kayaderosseres, with which I shall send a Copy of the Speech of the Indians to you of the 20th of last Month.

In case the Assembly should not do them Justice I can on good authority assure them that Justice will be done them in some other method.

I have from the Lords of Trade a Copy of heads of a Plan they have form'd for regulating the Trade with the Indians, & they desire me to make such remarks on it as occur to me. No doubt you have a like Copy.

It gives me pleasure to find that it agrees with those Sentiments which we agree in, & have communicated to each other & it will add much to that pleasure if we agree in every other point. The greatest difficulty with me is how to regulate the Trade with the Mohawks who live intermixed with the Christians, and other Indians living near our Frontiers who resort daily to the Christian Houses, how to do them Summary Justice, & how that Trade may contribute to the public Expence.

Another difficulty is in the entire prohibition of Rum or other spirituous Liquors, & if this should be thought proper how it can be prevented in the law when the Indians resort Daily to the Christian Houses, in which case the bad effects of it are chiefly to be guarded against.

I am very desirous of having your opinion on these points or any other you shall think proper to commu-

nicate to me without delay, because I am directed to communicate my Sentiments as soon as possible.

I doubt much of the success with the Council of your Petition for the Lands, you formerly proposed & for that reason I think it better to apply immediately to the Lords Commissioners of Trade & Plantations as I proposed. By their recommendation I have received orders to grant large tracts of Land to several persons, who can have no such pretentions to favours as you have. Never in my Life had I so much business on my hands as at this time. The Assembly & Letters both from the Sec^{ty} of State & Lords of Trade on variety of subjects to answer. As soon as possible I shall send you the Draft of the Letter I propose to write. If I can take a Day for that purpose before the next Post I shall do it. I shall not in any case delay it after the Packett is gone. I am with the greatest Esteem & Regard

The King has fixed Connecticut River as the Boundary between this Province & New Hampshire & I expect the Kings Order by next Packett.

To The R^{t} Hon^{ble} Lord Colvil.

Fort George New York 1st Oct^{r} 1764.

My Lord,

I was in the Country when I received the honor of your Lordships Letter of the 25th of July. As soon as I returned to Town I made what enquiry I could on the subject of M^{r} Stephen's Letter of the 10th of May to your Lordship.

His Majesty's ships on this station were all in Harbour in the Month of December last. Last Winter there was a surmise that in December last a forty Gun ship on the Virginia Station had met with a sloop going into Delaware Bay, spoke with her and suffer'd

her to go on. If this Ship was not an Illegal Trader I cannot conceive how it came to be the object of Observation. This is all I can learn on this Subject.

By the Post to Boston two weeks since I wrote to Gov^{r} Wilmot & forwarded a Letter to him from the Secretary of States office, & by this Post I forward another which came inclosed to me. I am with great respect My Lord

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On his Britannick Majesty's Service.

To His Excellency the Governor of his Catholick Majesty's Island of Porto Rico.

New York, 1st October 1764.

Sir,

It has been represented to me in behalf of Mess^{rs} Thomas & Benjamin Forsey Merchants late of this City, now of the neighbouring Colony of Connecticut that they being sole owners of the Brigantine Hope whereof Thomas Gould was Master, fitted the said vessel & dispatched her from this Port about the 20th of March last, bound to the Coast of Affrica for a Cargoe of Slaves. That on the 12th of May on the Bar of Senegal, M^{r} Tyger the chief Mate together with one Miller a Foremast Man Murdered the Master Capt^{n} Gould, by giving him a blow on the Head with the butt end of a Muskett alledging only in his Justification that Capt^{n} Gould behav'd very ill to all the Company & to him in particular by confining him in Irons in the foretop. That when Tyger arrived at St. Thomas's a Merchant contracted for the Negroes, stipulating that they sh^{d} be carried to Monto Christo, but discovering on the Passage that the Person originally appointed Master had been Murder'd, and knowing that Tyger was a Stranger, he prevail'd on him under the pretence of getting an Anchor to put into Porto Rico, where on Application to a Magistrate a Force was sent to appre-

hend Tyger as a Pirate, who discovering his danger took to his Boat with all the Men except three & escaped to Hispaniola—That the negroes to the number of Thirty five were sold in Porto Rico for the benefit of the Owners, if any such should appear within a Year and a Day after the Vessels arrival there, and that three of the Crew viz Daniel English, Benjamin Leverich & Daniel Murphy are now Prisoners in the City of Porto Rico.

As Mess^{rs} Forseys are sending a Vessel to your Port to claim their property, I must beg leave to recommend —— —— the Person with whom they have intrusted this business to your Protection, desiring that you will be pleased to give effectual Orders that the Vessel, or the amount if sold, together with the proceeds of the Negroes & Cargo, be put into his hands in trust for Mess^{rs} Forseys to whom there is no doubt they of right belong: and when received that the Vessel may be dispatched with proper Passports, & you may be assured it will give me a particular pleasure should it be in my power at any time, to render the like good office, to the Subjects of his Catholick Majesty.

A Crime so atrocious, so prejudicial to civil Society, & to Commerce oblidges me earnestly to request that the Persons guilty may be brought to Justice, or if thro' any defect in the Evidence or other cause, this cannot be done in your Government, that the Prisoners may be properly secured, & return'd in this Vessel, that they may not avoid Exemplary Punishment. I have the honor to be with great Consideration & Respect Sir.

COPY OF A LETTER FROM CHIEF JUSTICE HORSMANDEN TO LIEUT. GOVERNOR COLDEN—ORIGINAL SENT TO BOARD OF TRADE.

New York 10th September 1764.

SIR,

In obedience to his Majestys Commands signifyed to your honour by the Royal Instruction of the 6th of June last, I have enclosed Schedules or Tables of all the Fees taken by the Judges of the Supreme Court.

Those in the first were ordain'd by an Ordinance in the administration of Govr Hunter in the year 1710, which (if it ever had any validity) yet being passed in his own Name, has long since been considered as not of force, & therefore should be glad of your honor's direction as to fixing up Tables of Fees taken by us.

The Articles in Schedule No. 2 are for Services not specifyed in the Ordinance, but performed in the Execution of certain late Laws of the Colony, all usual & customary Fees, as never have been to our knowledge complained of as immoderate.

These Returns are made with the privity of the rest of the Judges except Mr Jones, who has not been lately in Town. Whether a Report of the Fees Taxed for the Attorneys practising in the Courts where we have the honour to preside, were intended by the Kings Instruction we cannot say. As they are not officers, there are no words expressive of such a design in his Majesty's Order, & therefore have not ventured to give any directions to Mr Banyar on that head—Nor can we inform your honor what influence the Lawyer's Opinions relating to the Expiration or validity of the Ordinance in 1710, has had upon any other Officers of the Government.

That Ordinance has always been thought not only imperfect in omitting many necessary Services, but exceptionable in not assigning a reasonable allowance for such services as are therein enumerated, as will abundantly appear in those relative to the Law offices

& Attorneys, by comparing it with the printed Lists of Fees taken in England, reported to the House of Commons on their Order of the 14th of November 1693, & we know of nothing peculiar to the State of this Province that would render it necessary to reduce the Fees here below those taken at Home. In our Taxations less Sums are allowed, because the Ordinance of 1710, as far as it goes has been the Rule, & for such Services as have therein been omitted, our predecessors have allowed a Quantum Meruit, nearly in the proportion fix'd by the Ordinance, for services in some respects similar, & we have followed their Taxations, tho' it must be confessed the Taxations have been below the true value of the labour done; and to this we have so strictly adhered, as to have no regard to the depreciation of the Currency, nor the increase of the price of Provisions, the former by reason of the latter, being not worth half so much as in the year 1710, when the establishment was made.

We have nothing to add but the Expression of our great satisfaction that his Majesty seems inclined to give some Redress to the many Evils necessarily arising from the imperfect unsettled state of the Fees in this Province, and to remind your honor that the Dependant state of the Judges upon the scanty provision annually made by the Legislature, seems to render it expedient that the Crown should interpose either in an allowance of fixed and more adequate Salaries, or by annexing Fees to actual Services, that will in some measure save them from wasting their private Fortunes in the public Service: their present official allowances being altogether insufficient to support the ordinary Expences of their Families, & much beneath the dignity of the stations which by the Kings Grace they now sustain. I have the honor to be Sir Your most obedient & most humble Servant DAN. HORSMANDEN

The Honble CADWALLADER COLDEN
Lieut. Governor.

To The R^t Hon^ble Earl of Halifax.

New York, Oct^r 9^th 1764.

My Lord,

In obedience to his Majesty's Commands signified to me by your Lordships Letter of the 11^th of August, I have endeavoured to inform myself of Illicit Trade in this Province.

It was formerly from Holland & Hamburgh, in Teas principally & Gun Powder; but since so many of his Majesty's ships have been on the Coast, this Trade is thought to be at an end, it cannot at least be continued, if the Sea Officers do their Duty, in cruising on the Coast.

I suspect however that Tea in small quantities, may be imported in small Vessels, from the Dutch West India Islands: & that it may be done by running into small creeks & Harbours to which the ships of War cannot have access, by want of a sufficient depth of Water.

These places to the Southward of New York are on New Jersey Shore, between Sandy Hook & Delaware Bay, & in many parts of that Bay: & to the Northward of New York in the Sound, between Long Island and the Main, where there are many Harbours, both on the Long Island Shore and on the Main. The South Shore of Long Island towards the Ocean is generally inaccessible.

If his Majesty's Ships keep continually cruising between Sandy Hook and Cape Henlopen, it would be difficult even for small vessels coming from sea to escape them; & if they keep cruising in like manner off the East end of Long Island, & round Block Island, few vessels could escape them, which go either into Rhode Island or into the Sound, between Long Island and the Main.

The Custom House officers in this Port appear to me to be very diligent.

The Hawk sloop, I am informed has not been at Sea since her arrival in this Port above twelve months. She is now preparing to go out. Capt. Kennedy in the Coventry tells me, that he is now about purchasing a small sloop, a swift runner which he designs to Man in order to look into & examine from time to time the Creeks & small Harbours within his station between Sandy Hook & the Capes of Delaware. Such small vessels may be of great use by keeping near the Shore, while they can run into these Creeks & harbours in case of bad Weather.

Major Gladwin who commanded at Detroit during the late War with the Indians, came a few days since from thence, is now going to England. He can inform your Lordship of many things you may be desirous to know. I am with great submission My Lord

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To The R^t Hon^ble Earl of Hallifax subjoined to the Duplicate of the Letter dated Sept^r 22^nd.

New York, Oct^r 13^th. 1764.

My Lord,

This Day the Master of this Port has assured me that he and the Wardens of the Port have continued to make diligent enquiry of Violences on the Subjects of his Catholic Majesty by English Pirates or Privateers, complain'd of by the Spanish Embassador, and that they have not made discovery that any such violences have been committed, nor has the least Evidence of it come to the knowledge of, My Lord.

To The R^t Hon^ble Lord Commissioners for Trade & Plantations.

New York 11^th October 1764.

My Lords

Captain John Campbell late of his Majesty's 42^nd Regiment and several other Reduced officers of his Majesty's army, have presented Petitions to me, in consequence of the Royal Proclamation of the 7^th of October 1763, Praying a Grant of Lands which lye within the pretended Bounds of a large Tract of Land claimed by one Renslaer. When the Petitions were laid before his Majestys Council, they were of opinion that it did not appear with sufficient clearness that the Lands were vacant, for them to advise me to grant them to the Petitioners. The officers resolved to abide in the pursuit they had commenced, & to carry their application to his Majesty, and at their desire, I inform your Lordships that I have seen the state of the Case which they have got drawn up by M^r Kemp, the Kings Attorney General for this Province, which may be depended on.

I imagine One single Observation will set the dispute in a clear Light before your Lordships.

Ranslaers Indian Purchase & Pattent extends from Hudsons River to a Place call'd Waueaniaquasick, which is therein said to be 24 miles from the River. Wawaniaquasick is a heap of stones erected by the [Indians] as a Monument of some Memorable Event, & has been known by the Christians from the date of M^r Ranslaers Purchase down to the present time but is only nine Miles & three quarters from Hudsons River. It cannot be supposed that the Indians at that early Day, had any notion of English Miles, and even the Christians in computing distances thro' Woods, obstructed by Morasses Hills & Rivers have often supposed the distance double of what it was found to be when measured.

The Place & distance mention'd cannot both stand in construing the bounds given to this Tract: the Place is most certain, & by leaving out the Distance mention'd (24 Miles) and keeping to Wawaniaquasick, the Tract is clearly & distinctly bounded on all sides; whereas if we go beyond Wawaniaquasick, to the end of 24 Miles, no bounds are given for one very extensive side of the Tract, and that which Ranslaer assumes gives him 170,000 acres. I am, My Lords, &c

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To Sir William Johnson, Bart.

Fort George, N. Y. Oct^{r} 15, 1764.

Dear Sir,

The Assembly have given such an answer as I expected to my Message recommending to them to vacate Kayaderosseras Pattent, as both are in Print I need not send them. I cannot however forbear a low insinuation in their answer that Abraham's speech to you is not genuine.

I am directed by the Lords of Trade & Plantations in case the Assembly refuse to vacate this Pattent to send them an authentic Copy of it, in order that it may be laid before the Parliament next Sessions I shall send a Copy of the Pattent and Indian Purchase by the next Packett under the Seal of the Province for that purpose.

It may be proper for you to send to the Board of Trade & Plantations what proofs you can procure of the continued claim of the Indians & that the Lands granted by this Pattent remain unsettled and unimproved. Of this last be as particular as you can, & of every other thing which may be of use. These proofs should go by the next Packett at the time I send the Copy of the Pattent.

I had no less than 7 Letters from the Secretary of States office, on as many different Subjects to Answer

by the last Packett, & four Letters from the Plantation Board which required long answers. This with the affairs of the Assembly have so Entirely taken up my time, that I have not been able to form the draft of the Letter I promised. I shall endeavour to do it by next Post. The Assembly still continues to sit, but I hope they will finish this Week. I am with great esteem & regard very affectionately.

To Sir W^m^ Johnson Bar^t^

Fort George, N. Y., Oct^r^ 22^d^ 1764.

Dear Sir,

I now enclose the draft of the Letter which I proposed to write to the Lords Commissioners of Trade & Plantations that you may correct if any mistake has happened, & that you may amend it as you shall think requisite.

By order of the Lords Commissioners I shall send to them a copy of the Kayaderosseres Pattent under the Seal of this Province. Two things are necessary for you to send as full proofs as you can. 1^st^ That the Indians have continually denyed the Purchase to have been fairly made. 2. That no Improvements or very few are made by the Proprietors & of this last be as particular as possible. This alone may be sufficient to vacate the Pattent.

The Packet came in yesterday. No news by her, & I have nothing but Duplicates. I am very affectionately Sir

To The R^t Hon^ble Lords Commissioners for Trade & Plantations.

New York 12^th October 1764.

My Lords,

The most proper return I can make to the honour your Lordships have done me, in consulting me on the Plan for regulating the Trade with the Indians is to deliver my Sentiments without reserve on such parts of it which I think require farther Explanation.

I am entirely ignorant of Indian affairs in the Southern District.

As the Indians near the borders of the Southern & Northern District may Trade sometimes in one District & at other times in the other, and it must give them umbrage to be restrain'd, it may be requisite to fix some boundary on the Land for ascertaining the Limits of their several Jurisdictions.

All above Fort Pitt on both sides of the Ohio, ought evidently to be in the northern District; and all below, on the West side of that River. It seems most proper to have the Division Line on the East side of the Ohio, at some distance below Fort Pitt.

The Posts which seem to me at present requisite are Oswego, Niagara, Detroit, Missilimakinack, Fort Pitt & Fort Chartres. The Indians are desirous of haveing a Post fixed at Missilimakinack, tho' some think it may be more safe to delay this till after the others are well secured.

The Kings new Subjects in the Province of Quebec often go to the Upper Lakes by the Utawa River, which falls into S^t Lawrence River above Montreal. In this rout they avoid all our Posts, and their Traders cannot be prevented from going among the Indian Nations on the upper Lakes & Tradeing with them: this I suppose your Lordships will think impolitic to suffer, & is injurious to the Trade of his Majesty's old Subjects. It can only be prevented by fixing a Tradeing

Post with a Garrison at the first Rapids of the Uttawa River and by not suffering the Traders to go farther, but that the Indians may come down the River to Trade there. The new subjects cannot with reason complain of this, as they will have the Trade of this Post to themselves, & have the Trade in common with his Majesty's other subjects at the other Posts.

I am informed by some who have travelled over the country that the easiest & speediest conveyance to Fort Chartres on the Mississippi is from Fort Pitt down the Ohio. Others from the long carriage by Land to Fort Pitt, think a more easy passage for Men Goods & Provisions may be from Lake Erie by the Miamis River near Detroit in the Spring season while the waters are high, and by the Uabach. In case either of these routs be thought more proper than from New Orleans against the stream of the Mississippi, & more convenient for Relieving the Garrison at Fort Chartres, it may be proper to have a Post where the Uabach falls into the Ohio, & where the Ohio & Mississippi unite, or where the French lately had Settlements or Posts on the Ohio below Fort Pitt.

In order to lessen the great expence of carrying Provisions to the distant Posts and Garrisons, some Persons may be empowered to Purchase of the Indians a quantity of Land at each Post, sufficient for a few Farmers to raise Provisions, to be allowed a Carpenter & Smith at the Public Expence, & a sufficient encouragement in the price of what they raise. At present there are a sufficient number of new subjects, about 400 men, at Detroit, who have Cultivated Farms & raise Wheat. In order to make them more industrious in Farming, they may be prohibited to trade with the Indians, or to keep Goods or Spirituous Liquors in their Houses for Trade.

That the Commissaries and other officers be not of the immediate appointment of the Superintendants, appears to me to be a wise precaution to prevent a kind of monopoly, which might be otherwise introduced by

favour. Where great proffits may be gained by favour of the officers every prudent check becomes requisite.

Nothing in my opinion can be of more general advantage or tend more to civilize the Indians than to establish an easy method of obtaining Justice in every Dispute or cause of Complaint. It will more effectually than anything subdue that fierce spirit and Passion for Revenge, which at present characterises the Indians.

Nothing more is requisite to make a good Judge among them than to be a man of Common sense & great Probity: but then their powers & method of proceeding ought to be distinctly & clearly described to them.

As the Indians come from a great distance to Trade, and at all times lead an ambulatory Life in Hunting, any delay of Justice is in effect a denyal of Justice to them. Therefore allowing of Appeals cannot be proper in controversies between the Traders and Indians, or in disputes among the Indians themselves. There is reason to suspect that in disputes between the Traders and Indians when the Judgement goes against the Trader, he will on any pretence appeal. A mistake sometimes in Judgement cannot be of so much injury, as I apprehend may arise from Appeals: but they may be safely allowed in Controversies between the Traders themselves.

There is an absolute necessity of allowing Indian Evidence, for where Evidence is only allowed on one side of the Question, it is impossible that Justice can be done, & yet this is the practice in the Courts of Law I believe all over North America. Formerly I conversed frequently with the Indians, and I allways found as great a regard to Veracity among them, as is usually found among Christians: tho' in war every kind of treachery & deceit with their Ennemy^{s} seems to be allowed among them. The Indians are ashamed when discovered in a Lye. Where the Evidences are contradictory a Judge must determine from circumstances.

That the Trade be confined to certain Posts, & that no Traders be allowed to go among the Indians, or to sell Goods to them any where else, is of great importance, not only to the fair Trader, but likewise in preserving the public Peace & Tranquility. The Traders have been generally Men of low or bad Characters. They have cheated & abused the Indians; thence Quarrels & Murders: and in order to serve some sinister view spread false news & stories to the prejudice of the public Peace. Not only Penalties on the Transgression of this Regulation be inflicted but Rewards for the Discovery.

There must however be one exception as to the Mohawks & other Indians whose habitations are intermixed with the Christians. They must be suffered to buy at any shop they please. It seems requisite that a Commissary be appointed particularly for deciding summarily all Disputes and Complaints which may happen with the Indians in these parts. The common Justices of the Peace in those parts, in my Opinion, cannot safely be trusted with such Powers.

I am at a loss in forming a Judgment as to the Prohibition of Rum, or other Spirituous Liquors to be sold to the Indians. It is a valuable branch of Trade, & the Indians have every where gain'd so strong an Appetite to it, that the Prohibition may give them great disgust. I have been well assured that the most distant Nations refuse to Trade without part in Rum. And as to the Indians who live within our frontiers or near them, where the effects of drinking strong Liquors are most pernicious & most frequent, I think it impracticable to prevent it. The Traders at least may be prohibited under severe Penalties to allow any Indian to drink any spirituous Liquor while they are at the Trading Posts: but the Indians may be allowed to carry it to their own Habitations. Every Christian where an Indian is Drunk in his House, or who bargains with or sells to an Indian while he is Drunk, to be subject to severe Penalties.

I cannot conceive why Swan shot should be forbid; the Indians can make it from Bar Lead.

In my Opinion the most effectual method to raise the Duties on the Indian Trade, will be paying it at the several Posts, where the Furs and Peltry are brought in kind, at some certain Rate. By this method the Duty will be paid according to the value of the Goods, & will be the easiest to the Merchant, as he does not pay before he has made his profit, & frauds thereby more easily prevented. A Certificate of the Duties Paid to be carried with every quantity of Furs or Peltry, specifying the number and marks of each Pack or Bundle & the Contents of each: subject to be inspected and examined at each Post. The Certificates at last to be lodged in the Custom House of the Ports from whence the goods are to be exported. The Goods paid as Duties to be sent at least once a year to the Custom House and there sold at public Vendue.

I can discover no way of evading the Dutys in this method, but by the Traders hiring Indians to carry their Goods by Land, & thereby avoiding the Posts. This can only be done in small quantities, & rewards may be given for Discovery. On this occasion I must inform your Lordships that the Indians employed by the Traders will not make any Discovery. When the Clandestine Trade was carried on between Albany and Canada, the Indians were the common carriers, & in no one instance did they betray their trust, or embezel any one article, tho' sometimes they carryed considerable quantities of money. If the Duties are paid on Exportation the Consumption in the Colonies will be free of Duty.

I understand that the Trade with the Indians to the Eastward of Boston, is in the hands of that Government, & is under good Regulations.

Having never been concern'd in Trade, I can form no Judgement of the propriety of settling a Tariff from time to time, but I suspect it may be attended with great difficulties & disquiet. It may give the officers too much power of favouring on some Emergencies.

As to that part of the Plan which Respects Purchasing of Lands from the Indians, I think it necessary to observe that the Regulations which have been Established & constantly followed in this Province for upwards of Twenty years, appears to have been effectual & convenient. No complaints haveing been made either by the Indians or others, on any Purchases made by authority of this Government since that time. By these Regulations all Lands Purchased of the Indians are previously to be surveyed by the Kings Surveyor General of Lands or his Deputy, in the presence of some Indians Deputed for that purpose by the Nation from whom the Purchase is made. Of late years the Deputy Surveyors are not only sworn but give Bonds to the Surveyor General for the due & faithfull execution of their work. By this means the employing of Persons who have not sufficient skill, or of whose integrity we cannot be so well assured is prevented, & the Surveyor General is enabled to complete a general Map of the Province & locate the several Grants precisely, which cannot be done, if surveyors not under the direction of the Surveyor General are Employed. The Surveyor General in this Province makes a Return of the Survey upon every Indian Purchase into the Secretaries office—your Lordships may be more fully inform'd of these Regulations by the Papers which I had the honour to transmit to the Board of Trade with my Letter of March 1st 1762. And I doubt not you will think it improper to abridge in any manner the office of Surveyor General of Lands.

Since I had wrote so far, I have considered the arguments for not extending our Posts to Missilimakinack, or far into the Indian Country. The principal is the Expence: but where there is a real utility the Expence becomes necessary. Against which it is urged that the Indians travell any distance without difficulty. The truth of this may be questioned; & it may not be prudent to collect many different nations to one place at the same time. They may quarrel among themselves,

when different nations are at Enmity with each other; or at other times they may form dangerous combinations. And lastly it seems prudent to extend our knowledge and influence among the Indians as far as possible, & to prevent any injurious influence from the West side of the Mississippi.

If I receive any further information I shall not fail to communicate it. What I now write is with the utmost submission by My Lords.

To The R^t Hon^ble Lords Commissioners for Trade & Plantations.

New York 13^th October 1764.

My Lords,

In obeydience to his Majesty's additional Instructions of the 6th of June, I transmit to your Lordships the Reports made to me by the several officers of this Government, of the Fees taken by them, so far as they have come to my Hands. This will give sufficient information of all the Fees taken in this Province, except those taken by the attorneys at Law who think themselves too high for me to reach them.

I have never taken any Fee while the Administration of Government has been in my hands, other than the Governor's Fees mentioned in the Table of Fees in the Secretaries office and Custom House, at which two offices all the Fees due to the Governor are Received. Nor have I at any time received any fee or Gratuity for any Commission either Civil or Military, tho' I have issued many of both kinds, or for any service of any kind other than those mentioned from the Secretaries office & Custom House; though I know People generally think otherwise, & some on occasions where I thought myself oblidged to tell the truth, seem'd surprised at it. But as the Instruction more particularly mentions the fees taken in passing of Lands, I think it

proper to be more particular on this head. The only fee taken by the Governor in this is 25 shillings, or three pieces of Eight and one Real, or $\frac{1}{8}$ of a piece of eight, for every hundred Acres, when the Seal is affixed. In this one fee are included all fees preceding that act, relative to the Grant of Lands, such as Licence to Purchase, Warrant to Survey, Inspecting the Surveyors Return, & signing a Certificate that the Lands are set out conformable to the Kings Instructions, & Warrant to the Attorney General to draw the Letters Pattent. On all which Fees are due, and all of them are included in this one Fee. The taking them at the time when the Grantee receives the benefit of them, is for his ease; for when a Petition for Land does not succeed, or is not proceeded to effect no fee is taken by the Governor.

2. General Monckton as Governor in chief by his Majesty's Instructions, receives the half of this, & of every other fee which I receive, as well as one half of the Salary. So that were I willing to lessen any fee, it seems requisite to have his consent. But I am confident your Lordships will not think any fee taken by the Governor of this Place to be exorbitant.

3. This fee of Twenty five shillings has, to my own knowledge, been taken by every preceeding Governor above forty years; so that it is as well established as any other fee usually taken by the Kings Officers.

4. When the quantity of Land granted is not more than what is allowed by the Kings Instructions to one Person, the Governor's fee must appear very moderate: and when a number of Persons for their own Conveniency are allowed to unite in one Grant, this favour ought not to prejudice the officers in their usual Fees, and it never has been expected by the Grantees.

If I be not misinformed the Governor of New York's fees, and the Custom House fees are lower than in any other Province. As I was Surveyor General of Lands in this Province about forty years, I can more particularly inform your Lordships of what relates to

that office. When I first entered upon it I did not find in the office one single Map or any Register of any preceding survey, so that I was at a loss to distinguish between the Lands Granted & the others which remained in the Crown. This I represented to Mr Burnet then Govr of this Province, & that it would be impossible to make a complete Rent Roll, or at least to be assured that it is complete without a Map of the whole Province, in which every Grant may be delineated particularly. To enable me to do this he annexed a Salary to the office of Surveyor General to be paid out of his Majesty's Quit rents. Thereupon I began to make extracts of the boundaries, and of the Quit rent reserved of all the Grants on Record in the Secretaries office; but before this could be finished a Gentleman interested in several Large Grants of Lands, & who Corresponded with Mr Walpole then auditor of his Majesty's Revenue in America, put the Governor's granting of Salaries or Rewards for Contingent Services out of the Quit rents in such a Light that the Governor received an Instruction forbidding him to dispose of any part of the Quit rents on any pretence whatsoever. Since which time the officers of the Crown have been deprived of any reward for any contingent service required of them. This put a stop to my proceedings about the time I had finished the Extracts preceeding the year 1708. However it has greatly facilitated the makeing out of a Rent Roll by the Receiver General; but any Rent Roll must be imperfect while the situation in many cases cannot be discovered, nor the quantity of Land when it is not ascertained by any Survey preceeding or posterior to the Grant as is the case in most of the old Grants, especially in the large Tracts. It cannot well be imagin'd under what great uncertainties many Grants in these respects are greatly to the prejudice of his Majesty's Interest & the only means of removing of them is neglected. The performance of the Surveyor Generals Duty, in makeing discoveries of

Intrusions is an ungratefull office to men of great influence, & he must expect discouragement in it by every artifice in their Power.

The office of Clerk of the Council requires considerable ability, & the Salary annexed to that office, is far from being adequate to the Service.

The Attorney General is entirely disabled from bringing information of Intrusions, as it is impracticable for him to pay the unavoidable Expence that must attend such Prosecutions, and it cannot be expected that he should, while there is no fund out of which such expence can be repaid.

The Fees of the officers of the Law, do not come immediately under the cognizance of the Governor, & therefore I must referr your Lordships to a Letter which I wrote to the Chief Justice on this occasion, and his answer.

However I cannot forbear mentioning to your Lordships that from continued Complaints, I believe in no other Country is the obtaining of Justice attended with such unreasonable Expence as in this to the oppression of the Poor, and often with the suppression of Justice as to them. This not so much by high Fees & Rewards demanded by the Lawyers as by the dilatory Pleas as Proceedings allowed by the Courts, and in this case I must think the Judges are in blame, by suffering them. Many causes hang in Courts many years without any Decision and the expence continually going. Few instances, if I mistake not, are to be found where any Case is determined in Twelve Months.

If the Reports I have repeatedly heard of the expence in the Court of Admiralty be true, it will appear surprising that they should be allowed in any place which bears the name of a Court of Justice.

The same Lawyers in this country plead in all the different Courts; and the same person takes fees as Attorney, Proctor, Solicitor & Council.

The enclosed Papers contain all on this Subject which has come to the knowledge of My Lords

List of Papers sent with the above Letter to the Lords of Trade.

1 Copy of L^{t} Gov^{rs} Letter to M$^{r.}$ Chief Justice Horsmanden.
2 Judge's Answer.
3 Table of Fees taken by Judges of the Supreme Court.
4 Report of the Judge of Vice Admiralty of fees taken in his office
5 Do. of D. Secretary—6 Do. of Attorney General—7. Do. of Surveyor General of lands.
8 Do. of Custom House—9. Do. of Master in Chancery—10. Do. Clerk in Do.
11. Do. of Register in Chancery—12 Do. of Clerk of Circuits.
13. Do. Clerk of Westchester County—
14—of Kings County—15. of Queens County
16—of Orange County—17. of Dutchess Co.
18—of Ulster County—19. Report of Sheriff of Kings County—20. Do. Queens County.
21 Do. of Ulster County—22. Do. of Richmond County—23 Do. of Suffolk County.

To the R^{t} Honble Earl of Halifax—

New York 5th Nov. 1764.

My Lord,

For some time past the gentlemen of his Majesty's Council in this Province have complained of the want of a sufficient number to attend the public business. Some of them are frequently absent by the situation of their private affairs. Sir William Johnson can seldom attend, his office of Superintendant of Indian Affairs requiring his presence in very distant parts. When a small number only attend the public affairs, it lessens the influence of the Council with the People,

and often makes the service disagreeable to them who do attend.

It is now about 20 years since George Clarke, Esq, Secretary of the Province was first appointed of the Council, he has never been in the Province since that time, tho' his name has been continued ever since in the List, & it is not probable that he has now any thought of coming to this Place. If so, I do not imagine that he will be displeased to have another appointed in his Place, especially if don with a saving of his Rank in case of his coming to the Province.

It is certainly for his Majesty's honor & interest that the principal officers of the Crown in this Province be of his Council. For that reason on the Death of M^r^ Chambers, I took the liberty of recommending my eldest son Alexander Colden, Surveyor General of Lands in this Province (the office I formerly held) to the Lords of Trade and Plantations. He has been conversant in public affairs, & his appointment might have been of use to me by increasing that influence in the Minds of the People which is requisite for every Governor.

But as this seems not agreeable, I am perswaded no objection can be made to the appointing Andrew Elliot, Esq, Receiver General of his Majesty's Revenues, & Collector of the Customs in M^r^ Clarke's Place, in case he do not intend to come to this Place. The gentlemen preceding M^r^ Elliott in office have all of them been of the Council & it is expedient for his Majesty's Service that he be. I am with the greatest Respect & Submission.

To The R^t^ Hon^ble^ Lords Commissioners for Trade & Plantations.

New York 5^th^ Nov. 1764.

In the same words as the last to Lord Halifax (mutata mutanda.)

To The Rt. Honble. Lords Commissioners for Trade & Plantations.

New York 6th Nov. 1764.

My Lords,

In obedience to your Lordships commands of the 10th of July, I sent a Message to the Assembly of this Province recommending to them to pass a Bill for vacating & annulling the Pattent of Kayaderosseres or Queensborough, a copy of which message is inclosed. At the time I sent it I did not expect to succeed, by reason of the influence of several leading Men in the Assembly, who are interested in the Grants of Large Tracts of Land in this Province.

Inclosed likewise is the Assembly's Answer to my Message. Your Lordships are better Judges of the Arguments in that answer on general principles than I can be, & therefore I shall only take notice of some things peculiar to this Grant.

First. The Indians have no such thing as private property descending by Inheritance. Their Lands are all in common, and are only distinguished as to private property by occupancy. While any of them occupies a piece of Land it is that persons property, but when he leaves it, it becomes the property of the next Possessor, so that no Right in Fee or of Inheritance can be acquired from Indians otherwise than by Grant of the Nation.

2ndly The Indian Deed by which the Lands contained in the Pattent of Kayaderosseres were sold is made only by three Indians, & one of them does not execute it, but two others, who are not Parties to the Deed, nor is it mentioned of what Nation these two are.

3rdly The Indians at that time were ignorant of English measures or the length of English Miles, and probably are still ignorant.

4thly The boundaries in the Pattent are uncertain or

at this time unknown. The Hill Tweetonondo as I am informed is not known. The Branches of Kayaderoseres not known—The number of Falls in Albany River uncertain: when the River is low many falls are evident which disappear when it is full or the waters high.

5thly Supposing the Indian Deed good. The Lands contained within the boundaries of the Pattent, as claim'd by the Pattentees, cannot by any construction be contained within the Description of the Land sold by the Indians. It appears by the Map which I send with this, that the Lands sold by the Indians make only a small part of what is claimed by the Pattentees.

Lastly. The Pattentees have made no settlements or improvements on the Land. This alone seems sufficient for vacating the Pattent, for tho' the Grant be made without any condition yet the settling and improving of the Lands seems to be a tacit consideration of all Grants in the Colonies.

I did not in my Message to the Assembly mention the 1000 acres said to be Granted to the City of Albany, because no such Pattent is to be found on Record. I am told that the City of Albany had by their charter Liberty to Purchase 1000 acres where the Mohawk Indians now live & cultivate the Lands, & that in pursuance of this Licence, they had Purchased the same; but that while Col. Cosby was Governor of this Province, the Mohawks complaind to him while he was at Albany of this Purchase, & he haveing Demanded & Obtaind a Sight of the Deed in presence of the Indians, he deliverd it to one of them who immediately put it in the fire & burnt it.

I have directed Exemplifications of the Pattent & Indian Purchase of Kayaderosseres to be made out from the Records under his Majesty's Seal of this Province, which I intend to send by this Packet, that in case his Majesty think proper to apply to Parliament it may appear authentically.

Thus your Lordships Commands are obeyed as far as in the power of My Lords.

To The Rt. Honble Lords Commissioners for Trade & Plantations.

New York, Nov. 7. 1764.

My Lords,

In my last of the 20th of September I had the honour to transmit to your Lordships a circumstantial account of what passed at the opening of the Sessions of Assembly in the beginning of that Month to which on this occasion I must beg leave to referr. Since that time the Assembly have prepared Petitions to the King, and to the Houses of Lords and Commons—the Contents of which I do not know, as they were kept secret from me I did not think it requisite for me to enquire.

A great number of Bills have passed, few of them deserving your Lordships notice, most of them being to continue Acts near expireing, & to provide in the usual manner of late for the Annual support of the officers of Government. As soon as the transcripts of the Acts can be prepared, I shall make such Remarks as I think necessary for your Lordships to take notice of.

At present it may be proper to inform your Lordships that on my Recommendation by Message an Act is passed for finally determining the Disputes between this Province & the Massachusets Bay Respecting the Boundary between them. The material parts of it in the Words of the Act, which passed for determining the Boundary between this Province & New Jersey, & which has received your Lordships approbation. I have sent an office copy of it to Govr. Bernard with my Request to lay the same before the Assembly of his Province, who are at this time setting, that they may

pass a similar Act as is done in New Jersey. Since which there has not been time sufficient to receive an answer.

After the last Term of the Supreme Court of this Province had ended, I received a Petition of appeal from the Attorney of Waddell Cunningham (who is absent in England) a Copy of which is inclosed together with a Bond of four of the principal Merchants in this Place, as security in case the Judgement of the Supreme Court be affirmed.

The next Day after I had received this Petition, I communicated to the Council his Majesty's 32nd Instruction requiring the Governor or Commander in Chief for the time being, on application being made for that purpose, to permit & allow of appeals in all civil causes from the Courts of Common Law to the Governor or Commander in Chief & the Council of this Province. And that the Governor or Commander in Chief issue a Writ in the manner which has been usually accustomed returnable before himself and the Council. At the same time I laid before the Council the Appeal offer'd to the Supreme Court & the Bond for Security together with the Petition of Mr Cunninghams attorney. I am well assured that the facts related in the Petition are true. Not any of them were contradicted by Chief Justice Horsmanden and Justice Smith, two of the Judges on the Bench when the Appeal was made & then present in Council. After which I informed the Council that I thought it incumbent on me to issue the Writ prayed for.

I have ordered his Majesty's 32nd Instruction, and all the Papers which I laid before the Council to be entered on the Minutes: and at the desire of the Council I directed a copy of the Instruction to be made out for each of them.

As soon as the Council was up, Mr Cunningham's Attorney applied for the Writ, I answered I was ready to seal it, & on his saying that none of Mr Cunningham's Attorney's or Council at Law, would advise in

drawing it, I told him to get it done by the best advice he could. As he expected the Execution on the Judgment at Common Law would issue speedily he brought a Writ of Inhibition to all the officers of the Supreme Court to stay proceedings in that cause which I sealed. A Day or two afterwards I sealed another Writ directing the Chief Justice to bring up the Proceedings in that Cause to the Governor & Council, returnable in 14 Days, which will be the 14th Instant.

After the Inhibition had been served on the officers of the Supreme Court, Mr Scott, Attorney for the Plaintiff in the Supreme Court, brought an Execution to be Sealed by the Clerk of the Court who refusing to Seal it, a Suit is commenced against him in the Supreme Court. So far I have given your Lordships a circumstantial account of the Proceedings as I can recollect them without any consideration of the merits of the Cause.

It may be proper to inform your Lordships that this is the first appeal from the Common Law Courts which has been made in this Province, tho' Writs of Error from the Supreme Court have been formerly brought, & one is now depending before the Governor & Council. By Writ of Error (as I am informed) the merits of the Cause seldom appear, & where a general verdict is given for the Plaintiff or Defendant the Merits cannot appear, because nothing of the Evidence given to the Jury appears on Record. The Verdict is the sole foundation of the Judgement. On Writ of Error the Regularity of Proceedings in the inferior Court, or in some Point of Law can only be corrected by the Govr in Council, & afterwards by the King in his Privy Council. So that they can only Judge of some chicanery of the Lawyers in their Proceedings or untie some knotty Points of Law without knowing anything of the merits of the Cause. But on an appeal the whole cause, & the Evidence on which the Verdict is given must appear, and the Judgment is on the Merits.

I cannot doubt of this being his Majesty's intention

in his Instruction to allow of appeals, tho' the Attorney General differs from me in his Opinion, & thinks that a Writ of Error is only meant.

I shall next inform your Lordships with the freedom which my Duty requires, of the reason why in my Opinion, so violent an opposition is made to appeals in this Province, while they are submitted to in the neighbouring Governments. It is the great, & I may say dangerous influence of the Proprietors of the large Tracts of Land in this Province. They know what must be the consequence in suits depending between them and other the Kings Tenants, or the consequence of Informations of Intrusion, which may be justly brought against them &c in case the merits of the Cause be brought before the King & Council.

In a young Country like this, where few men have any acquired Learning or knowledge, where the Judges & principal Lawyers are Proprietors of Extravagant Grants of Land, or strongly connected with them in Interest, or family alliances it is possible that a dangerous combination may subsist between the Bench and the Bar, not only greatly injurious to private property, but likewise dangerous to his Majesty's Prerogative and authority & his Rights in this Province, in case no appeals as to the Merits of the Cause be allowed to the King in his Privy Council.

No Lawyer in this Place will at this time assist the appellant, by appearing for him, or by giving advice, & I know all the officers of the Government are intimidated. Means have been found to carry hints to me, that tho' I may think myself at present skreened it may be otherwise afterwards, & my Family will certainly be exposed to resentment.

From many circumstances I have reason to think that before the administration came first into my hands, the Profession of the Law was encouraged & assisted in gaining this dangerous influence.

On the whole this matter appears to me of so great consequence to his Majesty's authority, & of so gen-

eral importance, that I am perswaded it will draw your Lordships immediate attention.

I flatter myself that your Lordships will excuse my writing thus freely my sentiments, tho' I should err: for it is don with the utmost submission by, My Lords,

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To The Right Hon^{ble} Earl of Halifax.

New York, Nov^{r} 10th 1764.

My Lord,

In obeydience to your Lordships commands of the 11th of August, requiring me to transmit to your Lordship, by every Dispatch, any information I shall obtain in relation to the illicit Trade which may be carried on in this Government, & of the conduct of the officers employed for preventing of it, I have nothing to add to what I wrote in my Letter of the 9th of October last.

The Garland frigate & Hawk sloop are gon out, & from everything which I can observe, the officers of the Customs continue diligent in their Duty.

M^{r} Temple Surveyor General of the Customs has been lately in this Place, in his tour of visiting the Posts within his District. He tells me that the allowance established for his office is not sufficient to defray the necessary Expence which attends the execution of it. Tho' I do not know what his appointments are, I know well that an appointment which would have enabled a Family to live with some distinction thirty or forty years since, is not now sufficient for the subsistance of a Family of midling Rank.

I flatter myself your Lordship will excuse my mentioning of this, when certainly it must be a great discouragement to an officer, while the more assiduous he is in his Duty, the more his private Fortune suffers by it, as must be the case, while M^{r} Temple visits the Posts at a great distance & his appointments be not

sufficient for the necessary Expense. I am with the greatest respect & submission, My Lord,

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To The Rt Honble Earl of Hillsborough

New York, Novr 5th 1764.

My Lord,

I have the honour of your Lordships commands of the 29th of August by Mr Obrien. You may be assured that nothing shall be wanting in my power in favour of Mr Obrien & Lady Susan Obrien, for their Interest or conveniency.

I immeadiately directed the Surveyor General of Lands in this Province to inform Mr Obrien of the Vacant Lands in this Province in the best manner he could, & which of them would be most advantageous for him. This was done in my presence. It was concluded from all the informations we could then obtain that the most advantageous place for locating 100,000 acres both as to goodness of the soil & conveniency of transportation, would be on the East side of the waters, between Crown Point & Ticonderoga. The Surveyor who had at that place surveyed Land for several Reduced officers, haveing assured the Surveyor General that the Country there is level for a great extent, well timbered & a strong soil. From thence the transportation is easy by water either to New York or Quebec.

It is to be observed however that I know not but that the lands in the Memorial of Monsr Michel Chartrier de Lotbiniere mentioned in an order which I received from the Lords Commissioners for Trade & Plantations of the 13th of July last, may interfere with this Tract which I propose for the 100,000 acres: and therefore it may be proper for your Lordships to determine on that claim, in consequence of what I have wrote on that subject in my Letter of the 21st of September.

Several Tracts have been likewise surveyed for Reduced officers adjoining the East side of the Waters, between Crown Point and Ticonderoga, to which I suppose they have an equitable claim by the Kings Proclamation, tho' the Grants are not completed by affixing the seal to them, & now rest. But as none of them, as I am inform'd, extend above two miles from the Water, & the whole extent on the Waters is not surveyed for them, & necessary highways are allways reserved in the Grants for the use of the back settlers, I think this the most commodious Location of any I know.

The Purchasing of Lands of the Indians at this time in my opinion, must be attended with great expence, probably with more than the Lands are worth. The Governor must meet the Nation in Person who are calld together for that purpose, & supported at the expence of the Purchaser. They may take several Days to deliberate, & to procure a general consent, & as they have of late been taught to value themselves very highly, I am confident they will demand a high Price. After all I know of no Lands more commodious than those near Crown Point.

Should the Pattent of Kayaderosseros be Vacated, then indeed a more commodious & valuable Tract may be obtaind, as that Tract is not above 12 or 15 Miles from Albany.

I am so continually tized by the Reduced officers that I must earnestly beg of your Lordships that some resolution be speedily taken in respect to Mons^{r} Chartrier's claim for the Surveys in that part of the Country must stop, till your Lordships pleasure shall be known.

It will at all times give me the greatest pleasure to receive your Lordships commands, that I may by my solicitous obedience evince with what zeal & sincerity I am My Lord Your most obedient & faithfull Servant.

To The R^t Hon^ble Lords Commissioners for Trade & Plant^ns

Nov^r 10^th 1764

My Lords,

Soon after I had the honour to receive your Lordships commands to have an abstract made of the Grants of Lands in this Province, I informed your Lordships that I had given directions to the Deputy Secretary for that purpose. He has informed me that he is very diligent in preparing it by setting several hands to work at the same time and as I was very desirous that the Grants made since the administration came into my hands may appear, I have had an abstract of them prepared which I now send with this. Your Lordships sometime since received information that I had in view to grant large Tracts of land to my own family. I hope I have already answered that accusation to your Lordships satisfaction. Now it will appear that of thirty children & Grand Children now alive, only three have received any Grant of Land from me, & that of Land long since purchased of the Indians & to which they make no pretensions.

It is true that the number of Grants while I have had the administration are more numerous than usual. This was owing to the breaking out of the War. Many who had purchased Land of the Indians, & had petitioned for grants of the same in the time of my Predecessors, were discouraged from making settlements from the bad disposition first, and afterwards by the incursions of the Indians did not proceed to compleat their Grants till after the Conquest of Canada. So that only thirteen of fifty five originated since the administration came first into my hands. Unless to the Reduced officers be reckond of which there are 24 & a great number now prepareing for the Seal, but these I think cannot properly be said to originate with me.

I shall never fail to give every information your

Lordships desire, that I may obtain the honor of being in your Lordships Esteem, My Lords, &c

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To The Hon^{ble} Commissioners of the Customs, London.

New York, Nov^{r} 9th 1764.

M^{r} Temple Surveyor General of the Customs for the northern District of America, haveing appointed Christopher Blundell Land Waiter in this Port, M^{r} Blundell has desired my recommendation for your approbation of his appointment. I have known him many years. I have frequently employed him both in public & private business & found him at all times diligent & faithfull. I can therefore freely recommend him as a proper person for the office to which M^{r} Temple has appointed him. I am with great Regard Gentlemen

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To The R^{t} Hon^{ble} Lords Commissioners for Trade & Plantations.

New York, Nov^{r} 1764.

My Lords,

At the earnest desire of a great number of Persons holding Lands by his Majestys Letters Pattent under his Seal of this Province paying the yearly Quit rent of 2/6 for every 100 acres; I transmit to your Lordships copies of their Petitions to me, Praying his Majesty's gracious assistance in defending their Titles against the unreasonable claims of the Proprietors of two great Tracts adjoining or near to the Lands which they hold, who pay in inconsiderable Quit rent for the whole of what they claim. With their Petitions I likewise Transmit a Map of the Lands formerly granted

to Capt[n] John Evans since vacated a very considerable part of which has been granted to the Petitioners or to Persons under whom they claim to which is annexed the Maps of the Tracts, the Proprietors of which claim the Lands of the Petitioners formed by the Surveyor employed by the Petitioners—and a state of the controversy.

In my humble opinion this matter deserves your Lordships attention, it will help to explain the means taken by the great Pattents almost every where in extending their boundaries & of encroaching on the Kings Lands, or of his Tenants. The Petitioners are really poor industrious Farmers, not able to contend with rich & powerfull Men, tho' they have by their labour render'd a Country usefull to the Community which otherwise was of no benefit either to the King or Country—I know of no Improvements made by the Proprietors to the Westward of the ridge of Hills, which in my opinion bounds the Minisink Pattent to the Eastward, or in any part of the land which was designd to be granted to the Proprietors of it, and now after these industrious people have improved Lands & defended them against the Savages, as soon as a Peace is made these avaricious ingrossers of Land would take their lands and all the Fruits of their Labour & support of their families from them. For these Reasons I must humbly recommend them to the Kings protection & favour.

By his Majesty's 46[th] Instruction, his late Majesty haveing been inform'd of exorbitant Grants of vast Tracts of Lands particularly in the Counties of Orange & Ulster, the Governor is directed to put in practice all methods whatsoever, allowable by Law, for breaking and annulling them, and that in case of any difficulty therein that the Gov[r]. report to your Lordships what he may think further necessary or conducive towards effecting the same. I must therefore inform your Lordships that in my opinion the Pattents described in the Map under the names of Minisink & Wawayanda,

were particularly intended by the said Instruction, and another Pattent adjoining to Minisink to the Northward of it which, by the best information I have, claims above a Million of Acres.

It has not hitherto been in the power of the Gov^{r}. to put this Instruction in Execution, by reason he has no fund out of which the Expence of a Lawsuit can be defrayed. The Proprietors of Minisink have made a few settlements on the East side of the Hills on that part which has not been regranted. If his Majesty shall think proper to order his attorney General to file information of Intrusions in the Supreme Court, & to prosecute the same at his Majestys Expence out of the Quit rents: The Attorney General, if I mistake not may take exceptions to the validity of the Pattent when produced in Evidence, thereby the whole merits of the Cause as well as of the true boundary, may be judicially determined; especially if the Right of Appeal to his Majesty in his Privy Council be supported. This method would effectually relieve the Petitioners from all further Prosecution, but as to the propriety of this Method I must submit to those who are skill'd in the Law for I am not.

To The R^{t} Hon^{ble} Earl of Halifax.

New York, 10th October 1764.

My Lord,

In obedience to your Lordships Orders of the 11th of August signifying to me his Majesty's pleasure that I should recommend to the Assembly of this Province to establish Ferries on the Post roads and to procure a Map of the Province for the better information of the Post Master General with the present course of the Posts marked thereon.

I have the honor to inform your Lordship that the Ferries on the Post Road through this Province are

well established, & convenient Inns everywhere at proper Distances on that Road. The Surveyor General of Lands in this Province who is likewise agent for the Packet Boats to whom I have shewn your Lordships Letter, will form a Map & give the Post Masters General all the information he can on this head. I am with the greatest Respect, My Lord.

To The R^{t} Hon^{ble} Earl of Halifax.

New York Oct^{r} 14th 1764.

My Lord

In obeydience to his Majesty's pleasure signified to me by your Lordships Letter of the 11th August, requiring me to transmit to your Lordship a List of all Instruments made use of in public Transactions, Law Proceedings Grants, Conveyances, Securitys of Land or money within my Government in Order that in case the Parliament of Great Britain pursue their resolution of charging a Stamp Duty in America, they may be enabled to do it in the most effectual & least burthensome manner—I have required the assistance of his Majesty's attorney General, being incapable of myself to prepare such a List with sufficient accuracy.

The Attorney General has accordingly prepared such a List which I now enclose, & I believe he has been diligent and accurate in the performance, & that the List is full. I am with the greatest Respect My Lord.

To Sir W^{m} Johnson.

Fort George, N. Y. Nov^{r}. 19th. 1764.

Dear Sir,

I was so much engaged in finishing my Dispatches to his Majesty's Ministers when I received your favour

of the 3^{d} Instant that I could not answer it by that Post.

I have transmitted a copy of the Indian Purchase & Pattent of Kayaderosseras to the Lords of Trade & Plantations under the seal of the Province so that it may be brought authentically before the Parliament, and I shall with this send you a copy of the Indian Deed if I can get it copied before the Post goes.

The proposal of your reconciling the Indians to that Pattent was another low insinuation that the dissatisfaction of the Indians arises from you, which the affidavits of which you sent me copies remove, & therefore it may be proper for you to send duplicates of them signed by the Justice before whom they were taken.

I shall be well pleased with any alteration you think proper to make in the Draft of the Letter I sent you for I have no other view but to serve you. I am told the King has taken a resolution not to Grant more than 20,000 acres to one Person, if so, as I believe it is true, it may be proper in case your Tract exceeds that quantity, to think of some other name for the remainder, as I find has been done in England by some great Men there, when they wanted more Land than the King would allow to one person.

Maybee has presented a Petition to me in Council which is referred to you. If he cannot with your assistance make the Indians easy, I shall order the Attorney General to prosecute, but in what form it can be done I know not.

There is a matter of great consequence now before the Council whether appeals are to be allowed from the Courts of common law in Civil cases to the Gov^{r}. & Council and from them to the King in his Privy Council. The Judges have refused to admit of such appeals, & I stand singly in support of the Kings Prerogative. This will have great consequences after it comes before the King in his Council, as it must do. The Owners of the great Pattents are terribly affrayd

of it & fill the Minds of the People with unjust & unreasonable apprehensions, but all they can do will only serve to irritate the Ministry for the Kings Prerogative will be zealously supported whatever they may foolishly think of intimidating the King & his Ministers. I am with great esteem & affection.

COURT OF ERRORS: CUNNINGHAM AGT. FORSEY.

Copy from the Original. Nov^{r}. 19. 1764. Read and Orderd to be enter'd.

Between WADDEL CUNNINGHAM
Claiming to be Appellant

against

THOMAS FORSEY

REASONS offerd by DANIEL HORSMANDEN, Esq. Chief Justice of the Province of New York to his Honor the Lieutenant Governor, and the Honourable his Majesty's Council for the said Province against returning an Instrument under Seal whereby all Proceedings on the Verdict lately obtaind by the said Thomas Forsey against the said Waddel Cunningham in the Supreme Court are commanded to be stayed, and an Instrument under Seal whereby the Justices of the said Supreme Court are commanded to cause the Proceedings whereon the said Verdict was founded to be brought before the Lieut. Governor and the Council.

I beg leave to prefix a state of the Proceedings between the Parties, not only the more clearly to avail myself of those reasons, but also, in compliance with

my Oath of office, by which I am bound to certify the Kings Majesty, of the Proceedings on which those Instruments (which I consider as Letters in Delay of Justice) are said to be grounded.

On Wednesday last I brought into this Court those Letters, and as both the Prohibition & Command appeard to me unwarrantable, I thought it my Duty to obey neither, but to lay the Instruments before you, and to assign my Reasons for the part I acted on this new & Extraordinary occasion. The liberty you gave me to reduce the substance of what I then offerd to writing, as it affords me an opportunity to Express myself with greater perspicuity is an Indulgence for which I return your Honour & the Council my hearty thanks.

The Suit which occasion'd those Letters to the Judges (for they directed to us all) was an action of trespass brought in the Supreme Court, in which the Plaintiff Forsey Declared for an Assault, Battery & Wounding to his damage £5000, upon which the cause was at issue on the Plea of not Guilty; and the Jurors in the last Term of October found for the Plaintiff and assessed his Damages at £1500.

The Paunel consisted of a Special Jury of Freeholders, struck at the Defendants Request. No challenges were made to either of them—The tryal took up Twelve hours—No evidence that was offerd by either Party was refused to be admitted by the Court—All the Judges were upon the Bench—The Plaintiff had three & the Defendant four Gentlemen attending as their Council. The proofs were largely summed up on both sides, and the Barr & Country must unanimously declare that the Tryal was Regular and Solemn, and concluded with the utmost Fairness & Deliberation.

On the 27th of the Month tho' the last Day of the Term on which no Special motions are made, the Council for the Defendant were indulged with a motion for a new Tryal. But no Reason being assigned, but a Complaint that the Damages were excessive (which did

not appear to the Court to be well founded) and the Trespass being very atrocious and the proofs clear, the Court over Ruled the Motion.

It affords strong ground of Presumption that the Process and Pleadings are Regular since no Writ of Error has been yet offer'd to us. The Verdict of the Jury must therefore be the sole cause of Complaint, and Relief against that, is now expected from your Honours.

This seems to be founded upon an erroneous Interpretation of the 32nd Instruction given by his Majesty to the Govr of this Province. A construction which I would not Countenance by an obedience to the Letters sent to me for the following Reasons.

I. Because it supposes the Royal Order to aim at altering the ancient & wholesome Laws of the Land.

By the common Law of England the Trial of Facts is intrusted to the Jury, and the power to declare the Law upon them, is committed to the Kings Judges. These are distinct Provinces, and the Limits between them guarded by invariable usage & the most incontestable authorities—the Errors of the Judges may be corrected by superior Judicatories, as for instance, those of the Kings Bench in the Exchequer Chamber and by the House of Peers—But in all these Removes the Verdict of the Jurors suffers no Re-examination but is final and decisive. This is the Law at Home.

The Supreme Court here proceeds in the main according to the practice of the Courts at Westminster, and the common Law of England, with the Statutes affirming or altering it, before a Legislature was established here, and those passd since such establishment expressly extended to us, with our own Legislative acts (which are not to be repugnant to the Laws of England) constitute the Laws of this Colony. And tho' there are many instances of Judgements Reversd and affirm'd in a Course of Error, before the Governor & Council, I do affirm, with the highest confidence that

not one Verdict was ever re-examin'd by any superior Judicatory in the Province.

An attempt then to re-examine the Verdict of a Jury is repugnant to the Laws both of England & this Colony. This is well known to the Crown, and to suppose that his Majesty design'd to change the Law, and that too in one of its most important articles, is certainly absurd, and being dangerous both to the Prerogatives of the Crown and the Liberty and safety of the Subject; it is in my humble Opinion highly Criminal to assert that the Kings Order has any such aim.

II^{dly} Nor is there any shadow of reason from the Words of the Instruction to countenance such a bold Interpretation.

'Tis true the Governor is to permit & allow Appeals from the Courts of Common Law, and who can deny but that in common Speech the bringing of a Writ of Error, as it carries the Cause from a Lower to a higher Tribunal, is an appeal—and surely that must be the best explication which satisfies the Term without altering the Law, especially if we consider that the Royal Instruction given before the year 1753 adopted that very Term as applicable to Laws of Error, the Words of the former Instructions running thus you are "*to allow of appeals in cases of Errors from any of the Courts of Common Law*," and that such is the meaning of the appeal mentioned in the present Instruction as it is understood by his Majesty in Council will appear from the Case of Gordon and Lowther. 2nd Lord Raymond 1447. Add to this, that the present Instruction, does itself refute the Interpretation upon which this Measure is founded, for you'll be pleased to observe

(1) That the truth is that all the appeals we have had (I except none) have been in Error, and prosecuted by Writs of Error, and it

being his Majesty's Pleasure that the Gov^{r} upon Appeals shall "issue a Writ in the manner which has been usually accustomed." No other Appeal than by such Writ is directed.

(2^{dly}) The Judges of the Supreme Court tho' members of the Council are forbidden to vote on the Decision above, for which I can assign no other reason than because they are supposed to have prejudged the cause, especially as Leave is nevertheless given them to render the Reasons of their Judgement as the Judges do in England upon Error brought before the Peers. And as they are only Judges of the Law, & not Triers of the Facts, these clauses evidently imply that the appeal given, is only in Error & not upon the Verdict of the Jury.

Besides this, numberless objections against a contrary construction may be drawn ab Inconvenienti—Permit me to mention a few:

I. Who is ignorant that in the Courts of Common Law the Evidence of the Witnesses to the Jury is all vivâ voce? It results therefore that they can transmit nothing but a transcript of the Record which contains no part of the proofs. The Court above remains then uninformed of the Facts upon which the verdict was given and cannot adjudge upon them without a Re-examination of the Witnesses — Against that attempt several objections instantly occur. I will hint at but two.

(1) The Cause must be made Res integra: for the want of written Memorials of the first Evidence, renders it impossible to confine the proofs above to what they were in the first production to the Jury—And so the trouble and charge of the Trial to the Parties Court & Country were all to no purpose, and

(2dly) It tends to open a Flood Gate to Perjury: for both Parties being now apprised of the Proofs which were secret untill the first Trial every effort will be made to blacken the character of the most material Witnesses, and supply all former Deficiencies.

And from these Sources such streams will flow as would extort the Groans of all who delight in the administration of Justice.

II. The appeal contended for impeaches the Wisdom of our Law in that distinguishing article of Trials by Jury, since all Verdicts in Causes above the value of £300 sterling would be worse than in vain.

III. It will encourage a Spirit of Litigiousness, and introduce Idleness to the ruin of many Families & the great impoverishment of the Country.

IV. The Expence attending such appeals will be intolerable. As the proofs before the Governor & Council must necessarily be reduced to Writing to form what Civilians call the Apostella, for the next Remove of the Cause to his Majesty in Privy Council, it will follow that according to their usage there must also be Interrogatories—Cross Interrogatories, Examinations & cross Examinations, and the production of Exhibits —And he that is acquainted with the Process of the Civil Courts will readily agree that the Evidences introduced on a common Law Trial of Twelve or Twenty four hours, especially when the Titles to real Estates are in Question, & Deeds offerd, will if reducd to Writing swell the Apostella to a size so Enormous, that the trouble and charge of the Suit will often surpass the value of the thing in Demand. And it may be of use to observe here as a further proof that it was not the object of the Instruction to allow appeals upon the whole Merits, that you have not officers to transact the Business that would thereby be introduced—The Court of the Govr & Council haveing neither a Register nor Examiner to this Day, appointed by the Crown.

V. It would be impossible for those Courts of Appeal to discharge the Duty to which they would in such case be oblidged. The Gov^{r} & Council must set de Die in Diem, all the year round, for the business of their Colony. And how then can his Majesty in Privy Council besides attending to the arduous affairs of his Kingdoms, examine all the tedious Complaints brought up from all the Provinces for his Royal Decision.

VI. To what an amazing insecurity & danger must the subject according to this Project be reduced & exposed? Let me Specify a few Instances

(1^{st}) As the Expence, so the delays will be infinite. How great then the encouragement for Contention. What wrongfull Possessor & debauched Tenant will give up his unjust Defence? What Trespasser will pay the Damages of an injured Plaintiff? When as in this case the Death of either Party is the perpetual extinction not only of the suit depending but the very cause of action? What loser will not appeal upon the bare presumption that the first Witnesses against him may be dead or absent on the new Trial!

(2^{ndly}) Witnesses of good & bad characters will have in effect equal Credit with the Judges, for they & those by whose Testimony they are to be supported, or discredited, will all be unknown by the Judges who are to pronounce upon their Evidence on appeal.

(3^{dly}) New modes of introducing Proof will necessarily establish new Rules relative to them, and as all special Laws, cannot be foreseen nor provided for, the subject will be tryed by new Laws, and often by Laws unpromulged, or to speak more properly by the Dictate of Power without Law.

These are some of the Reasons which induce me to be of Opinion that the Kings Instructions do not countenance the Exercise of any Judicial authority to reverse the Verdict of a Jury—And as they give me the fullest satisfaction I shall forbear assigning any other tho' there are many. The first is sufficient for us who sit as Judges. The Law warrants no such Letters, as those which the Defendant sued out and delivered to me. We have taken the Oath prescribed by the statute of the 18th of Ed. 3. and have Sworn "to deny no Man common right by the Kings Letters nor none other Man's, nor for none other Cause" but to proceed "to execute the Law, notwithstanding the same Letters."

Upon the whole therefore I cannot avoid complaining of these Letters, as an unwarrantable abuse of the King's Name and of his Judges. He that sued them out did it at his Peril and ought to answer the contempt. They are not only against Law, but conclude in terms very disrespectful. We are commanded to obey at our Peril; and as an outrage upon all the Rules of Decorum one part of the abject Duty injoind upon us is to notify the Plaintiff Forsey, even of the indignity offered us.

I have only to add that as the power of administering Justice, is one of the most important of all powers, it ought not to be assumed without the clearest authority. None of your Predecessors ever heard of an appeal from the Verdict of a Jury. My long Residence in the colony and seat on the Bench and at the Board of Council, have given me opportunities for some considerable Experience, and I know of no attempt till this, to bring such an appeal. And from the refusal of Council to support the Defts. Application you may naturally conclude that the whole body of the Law consider it as illegal.—Whether a single Word in the Royal Instructions will warrant your assuming this great & important Power, I submit to your own Deliberations, not doubting but that many Objections will

arise in your own Minds, which have been omitted by me, & might have been suggested by my Brother Justices who are now unfortunately all out of Town.

19th November 1764.

DAN. HORSMANDEN.

Copy from the Original Minutes of the Question upon which Messrs Livingston, Smith Jr, Hicks, Scott, and Duane were desired to give their Opinions on Monday the 19th *of November* 1764, *before the Govr & Council and upon which they all (except Mr Hicks who was not present) severally delivered their Opinion in the Negative.*

Question.—Whether a Court can, by the Crown, be legally constituted in this Colony, to hear Civil Causes in a way of Appeal from a Common Law Court, according to the Course of the Civil Law, upon the whole merits & re-examine the Evidence given to a Jury, and reverse or control their Verdict.

The Question upon which the Attorney General was, at the same time Orderd to give his Opinion.

Whether the Crown has by the 32nd Instruction constituted a Court in this Colony to hear Civil Causes in a way of Appeal from the Courts of Common Law according to the course of the Civil Law, upon the whole merits and re-examine the Evidence given to a Jury and reverse and controul their verdict.

He declared he was of opinion the Crown meant by the 32nd Article of its Instruction to constitute the Govr

& Council a Court of Errors & not a Court of Appeals in the latitude the Question supposes.

The Question which the L^{t}. Governor proposed for the Lawyers to give their opinion on—& which upon debate arising was reduced to writing and again proposed by him, but was not voted on, no one seconding the motion—[*N. B.*—This is taken from the original Question reduced to writing in the Court by M^{r} Banyar.]

> Whether the King by the 32nd Article of his Instruction to his Captain General hath given an appeal in all Civil Causes from the Courts of Common Law to his Gov^{r}. & Council, and whether his Majesty has by the said Instruction constituted his Governor & Council a court for the hearing & determining of such Appeals.

Petition to the Supreme Court to allow an Appeal to the Gov^{r}. & Council in the case of Cunningham and Forsey.

To the Hon^{ble} the Judges of his Majesty's Supreme Court for the Province of New York now setting—As Attorney to Waddel Cunningham I do pray an Appeal from the Verdict and Judgment given in this Hon^{ble} Court against the said Waddel Cunningham at the suit of Thomas Forsey, to his Honor the Lieut. Governor and Council of the Province of New York, or the Governor & Council of the said Province for the time being, and I do now tender a Bond executed by Mess^{rs} Jacob Walton, Theophilact Bache, Hugh Wallace & W^{m}. Kelly of the City of New York Merchants in the Penalty of £3000, to pay all such Damages Costs & Charges as shall or may be awarded adjudged or Decreed by his Honor the Lieutenant Governor & Council or the Gov^{r}. & Council for the time being, agree-

able to his Majesty's Royal Instructions Relative to Appeals and do pray that this Hon^ble^ Court will order the acts & Proceedings in this cause to be transmitted & laid before his Honour the Lieutenant Gov^r^. & Council for them to proceed on said Appeal agreeable to his Majesty's said Royal Instructions.

ROBERT R. WADDEL [L. S.]

New York 27^th^ October 1764.

Petition of R. R. WADDEL, *Attorney of* WADDEL CUNNINGHAM *Praying a Writ to Prohibit the proceedings of the Supreme Court, and to remove the same before the Governor and Council, as a Court of Appeals in the case of* FORSEY *and* CUNNINGHAM.

To the Hon^ble^ Cadwallader Colden Esq. his Majesty's Lieut Governor & Commander in Chief of the Province of New York and the territories depending thereon in America, and the Hon^ble^ his Majestys Council, Judges of the Court of Appeals of the said Province.

The Petition of Robert Ross Waddel Attorney for Waddel Cunningham

Humbly Sheweth

That in an action of Trespass Assault & Battery commenced in the Supreme Court of Judicature for s^d^ Province by Thomas Forsey against Waddel Cunningham, a Verdict was given against the Defendant on Friday the 26^th^ Day of this Inst. October for £1500 Damages besides Costs of suit, which Damages the Petitioner who is Attorney for the Defendant conceiving excessive & unreasonable desired the Attorney & Council in the cause to appeal from the Verdict & Judgment unto your Honours as a court of appeals, which was

absolutely refused by said Attorney & Council. That thereupon your Petitioner did apply to George Harrison, Esq. a Notary Publick attending in Court at the request of your Petitioner to move the Court for such appeal which he did accordingly, requesting the Court to make a Minute of his Motion, which was refused for the present, but the Court declared they would consider of it till next morning, when the Defendants Council advised a Motion to be made to set aside the Verdict, the Damages being excessive: which being made accordingly the Court determined not to grant it. That thereupon a Paper in Writing was deliverd to the Court praying the Defendant might be allowed to appeal from the Verdict and the Judgement thereupon, and a Bond tendered at the same time with good & sufficient Security to pay unto the Appellee all such Damages Costs & Charges as should be awarded adjudged and Decreed by your Honours on said Appeal agreeable to the 32nd Article of his Majesty's Royal Instructions to his Excellency Governor Monckton, a copy whereof certified by the Deputy Clerk of his Majesty's Council was also presented to the Court which Prayer & Request as likewise the Petitioners further Request then made that the Court would be pleased to admit and order an Entry to be made of such motion for an appeal, and the tender of such Security as aforesaid (which Petition & Bond the Petitioner begs leave to present herewith) were also refused by the Court. Your Petitioner therefore most humbly prays your honours will be pleased to take the premises into Consideration and to order such a proper writ to be framed and issued: Whereby the Hon^{ble} the Supreme Court of Judicature of the said Province & all the officers of the said Court Judicial and Ministerial may be commanded and enjoined not to proceed any farther in the said cause till your honors have heard & determind the same: And for this purpose directing the said Cause & the proceedings already had therein to be removed before your honours agreeable

to the aforesaid Royal Instructions: And your Petitioner shall ever Pray.

ROBERT R. WADDEL.

New York 30th October 1764.

To GENERAL GAGE.

Fort George N. Y. Dec. 8 1764.

SIR

This Day I communicated to the Council the Letter which I had the honour to receive from you of yesterdays date. In consequence of it the Council have advised me to prohibit all hostilities against the Indians, & to open a Trade with them; but on this condition that the Traders take Lycences of the Governor, & that they give Bond with Security that they do not expose to sale or sell to any Indian beyond the Christian Settlements, any kind of goods at any other Place than where you, or the Commander in chief of his Majesty's Forces has or shall post Garrisons.

The Council have desired me to inform you of this, that if you think proper, you may communicate the Resolution of this Government to the other Governments, that they may conform to it, it will be greatly conducive to the preserving of the Peace. You may likewise think it proper to give Orders to the Commanding officers at the several Posts not to suffer the Traders to Pass or sell Goods, without the Lycence of the Governor of the Colony where they are Inhabitants, and not to suffer them to go out of the common Road from Post to Post.

No Man more heartily rejoyces at the Success of your Measures for reduceing the Indians to a proper Submission than Sir, Your most obedient & most Humble Servant.

To The Hon^ble Sir William Johnson.

Dec^r. 10^th 1764

Dear Sir,

I hear that the General has sent an Express to Albany, by which I conclude you will receive an account of Col. Bouquet's Success, by which you may soon expect the Shawanese & Delaware Chiefs to conclude Peace with you in form. In short Col. Bouquet, the General tells me, has don everything that was expected from that Expedition. The General in his Letter to me thinks it proper that I should open the Trade with the Indians, which I have accordingly done with the advice of the Council by Proclamation, as you will see in the Gazette of this Day, which I design to send to you. In it likewise you will find the account of Col. Bouquets success as I received it from the General. If you have anything to propose in relation to the Trade please to Communicate it before Licences are granted to the Traders.

As it is not doubted that the other Colonies on the General's Letter to the several Governor's, will open the Trade with the Indians, it was thought improper that they should have the Advantage of this Colony in time.

No doubt you will or have heard of a grand Dispute about allowing appeals to the King. The whole Body of the Law, Judge & Lawyers, are violently against it, as it will undoubtedly lessen their Power & Influence. Whatever be done in this place, I am very confident I shall have it in my power to humble them, & to curb their Licentiousness after this, tho' I now stand alone in this Dispute without any assistance.

You will likewise find the Benefit of it in your affairs both Public & Private.

I have not a single line by the Packett. Gen^l Gage is appointed commander in chief in place of Sir Jeffery Amherst who has resigned. This disappoints some

People as they now doubt of Gl. Monckton's return to this Place.

I am much hurried in Writing my Letters by the Packett which is to go next Thursday. I am, &c.

To the Rt Honble Lords Comssrs. for Trade & Plantations, &c.

New York, 13th Decr 1764.

My Lords,

I had the honour to acquaint your Lordships by my Letter of the 7th of last Month, of an Appeal brought from the Supreme Court of this Province to the Govr. & Council; and of the violent opposition made against Appeals in all cases. As this affair has, in the Proceedings become more and more interesting, & appears to me of the greatest consequence to his Majesty's authority in this Province, & to the Dependence of the Colonies on the Crown of Great Britain, I have thought it my Duty to transmit the whole Proceedings to the Earl of Halifax his Majesty's Secretary of State: for appeals from the Governor & Council, are to the King in his Privy Council. I expect they will be transmitted to your Lordships from the Secretary of States office.

While the Cause is depending a copy of the Speech which Chief Justice Horsmanden made in Council when he gave his reasons for not obeying the writ of appeal is printed and privately handed about with an inflammatory Preface, containing several fallshoods, & suggestions of Criminall Prosecutions, in order to intimidate the Officers of the Crown, in doing what they may think their duty upon this occasion. This I hope will excite your Lordships attention, as it tends extreamly to weaken the hands of Government already too weak in this Province. This printed copy has been industriously kept from me. I sent my Son to

the Printer for a copy—he said all the copies were delivered to John Morin Scot. Afterwards I sent my Son in company with another Person to Mr Scot, to desire a copy. He said that as several other Persons were concern'd with him in that publication, he could not give a copy without their consent; but if they consented he would send the Governor a copy. Accordingly next Day he brought six Copies, and said that the impression was designd for England. However I know several copies have been deliverd out, which have been read by great numbers of Persons. No man so far as I know, either in public Debate or Private Conversation spoke the words printed in the Preface in the Roman Character, or any words that could bear that sentiment.

To what highth of insolence some of the Profession of the Law have arrived, will appear from the Printed Preface to the Chief Justices Speech in Council on giving his Reasons for refusing an Appeal. I believe your Lordships will think it Criminal to threaten, or to render Odious to the People any Judge on Matters which are then Depending before him for Judgement. I have countenanced, as it was my Duty to do, the Appeal; and I have in my arguments in open Court declared it to be my opinion that the King intended by his Instruction to bring up the whole proceeding & the Merits of the Causes from the Courts below—and that I thought it a measure highly necessary for the safety of the Rights of the Crown, & Liberty & Properties of the Subject, and entirely consistent with the constitution of the Colonies. After this public Declaration the Sentiments of the Preface will by the readers in this Place, be thought applicable to me: the last Line of the Preface is obliterated in all the copies I received from Mr Scot.

Mr Banyar clerk of the Council assures me that he gave no copies of any part of the Proceedings before the Govr & Council, to any Person except to Chief Justice Horsmanden—that at his desire he made out

three Copies for him, two of them he attested, and that some days afterwards John Morin Scot's clerk, desired him from Mr Scot to attest that other third copy, delivered to the Chief Justice which he did, that when it came to him the Paper was much sullied, and he now believes it to have been made use of by the Printer while he sat his Press. This Copy could not have been procured without the Chief Justices consent, and from many circumstances I am fully persuaded that the whole transaction is at least with his approbation.

On the whole of Chief Justice Horsmanden's Conduct in this affair it may be thought my Duty to have suspended him from the execution of his office and from the Council until his Majesty's pleasure shall be known; but in the present temper of the Gentlemen of the Council, when I cannot expect to have their concurrence, I think it more prudent to refer it absolutely to your Lordships judgment. In case of my Death Mr Horsmanden succeeds to the administration of Government. The Packetts go regularly every month, so that I think no great prejudice can happen to his Majesty's Service by this Delay, tho' I too clearly perceive in the present situation of affairs, a governor cannot perform the Duties of his office, while he is so far from haveing the assistance of the Courts of Justice, that appeals are made by the Chief Justice to the People in order to excite Popular dissatisfaction & tumults. It is no wonder these People think they can intimidate a Governor, while they are so foolish as to think they can, by the Assemblies Address to me intimidate the Kings Ministers and a British Parliament. I am confident however that the disinterested People of this Province entertain no such Sentiments, and they are beyond Comparison the greatest number.

I have been well apprised of the opposition & resentment of the whole Profession of the Law on this occasion; for if no appeal can be made on the merits of any case, and the ultimate determination be confin'd to the Courts of this Province, they become uncontroula-

ble; and their power must be to the last degree dangerous to the Kings authority, and to the Rights & Liberties of his Subjects.

Hitherto I have stood well in the eyes of the People in general. The strictest examination into my Conduct, while the administration of Government has been in my hands will give no uneasiness to my Mind. While I refused formerly to Grant the Judges Commissions during good beheaviour in obeydience to his Majesty's Instructions,—the Lawyers sat up a Weekly Paper in Order to instill the Worst Opinion of me on the Minds of the People. They fail'd then in their purpose, and I hope they will have no better success now. However I think it my Duty, in justice to myself and my family to request your Lordships protection in performing my Duty against such powerful resentment as that of the whole Profession of the Law in any Country must be.

Notwithstanding of all the Efforts that can be made, I am confident they can have no effect with the People of this Province, when we have Judges of integrity & ability, free from family or other connections. It would add greatly to the freedom of their Judgment in popular Cases, especially, to be freed from that Dependance which may arise from their support depending on the annual Pleasure of an Assembly. They have likewise given £150 yearly for three years past to the Attorney General for extraordinary Services, and made the same payable to him by their Treasurer without Warrant. These things must create an undue influence on the officers of the Crown.

In case the public affairs should require the assembly to meet as the Profession of the Law have great influence on the Members, I expect to meet with uneasiness from them, and perhaps endeavours may be used to disturb the public affairs of Government. This I think appears to be intended by some expressions in the close of the Printed Preface to the Chief Justices Speech. I must therefore pray your Lord-

ships to let me know your Sentiments as soon as can be properly done.

Your Lordships will see the Entries on the Council Books relating to this Appeal, in the last pages of the Minutes of Council sent to your Lordships office in the Box with the Acts of Assembly of which a List is put up in the Box. Herewith I inclose a narrative of some Proceedings which do not appear on the Minutes —An abstract from my Letter to the Secretary of State containing chiefly the substance of my argument in council upon this occasion—and a Printed Copy of Chief Justice Horsmandens Harangue.

Whatever my Sentiments be on any occasion, they are all allwise offerd with entire submission by My Lords &c

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To The R^t Hon^ble Earl of Halifax.

N. Y. Dec^r 14^th 1764.

My Lord

Mess^rs Cornel Sands & Micah Smith Merchants of this Place, have desired me to transmit the inclosed papers to your Lordship, and to intreat your Lordship to obtain them redress for the injustice done them by the French Kings officers at Port S^t Pierres in the Island of Martinique by seizing & confiscating their Sloop Wheel of Fortune and her Cargoe to the value of £2035: 8: 9: Lawfull money of New York, and by detaining the Master & Mariners of the said Sloop in Goal for a considerable time. I make no doubt this matter will have its due weight with your Lordship.

To Major General The Hon^ble Robert Monckton.

New York, Dec^r 14. 1764.

Sir,

I have the honour of two Letters from you, one by M^r O'Brien, and the last of the 6^th of September by M^r McDonald. You may be assured that every recommendation from you has the greatest Weight with me as it gives me an opportunity of shewing the Respect I have to your Commands.

I suppose M^r Watts has informd you that I have paid to him the sum of £1602: 12. 1. one half of the Salary & Perquisites which I have received since you went from hence, besides a bond which he took from the Trustees of the Scotch Pattent for your half of the fees of that Pattent.

While the administration was formerly in my hands, I had the good Fortune to free you from a troublesome Dispute relating to the commissions of the Judges. Another as of great importance has at this time arisen relating to appeals to the King in his Privy Council. It will greatly tend to your future ease in your administration to have this determined before your return.

If you please to inform me at what time you chuse to return, & give me the honour of your commands, in anything which may serve for your Conveniency in the House or Garden I shall with great pleasure take care to have it done. It may be of use to me in my private affairs to know the time you design to return— I am with great Respect Sir,

To The R^t Hon^ble Earl of Halifax.

N. Y. 13^th Dec^r 1764.

My Lord

In my letter of the 7^th of last Month, I informd the Lords Commissioners for Trade & Plantations of a Dispute which had arisen in this Province relating to his Majesty's 32^nd Instruction to his Governor of this Province, whereby the Governor or Commander in chief is directed in all civil cases, on application being made to him for that purpose, to permit & allow appeals from any of the Courts of Common Law unto the Gov^r & Council, &c. The Gov^r is directed for that purpose to issue a Writ in the manner which has been usually accustomd Returnable before the Gov^r & Council—with an appeal from the Gov^r & Council to the King in his Privy Council, in case either Party think themselves agreived.

As this Dispute since that time has become very interesting & in my opinion greatly affects his Majesty's Prerogative & Rights in this Province as well as the property of his subjects, & may likewise affect the Dependance of the Colonies on the Crown of Great Britain, I think it my duty to transmit to your Lordship without delay the reasons of my conduct on this affair together with an authentic Copy of the Proceedings in Council to this time on this matter, & to give your Lordship a more circumstantial account of it than appears on the Minutes of Council. I transmit this to your Lordship rather than to the Board of Trade because appeals are made immediately to the King in his Privy Council, & I had by the former Packett inform'd the Board of Trade and Plantations as far as I then could. I have another reason for informing your Lordship of the steps hitherto taken in this matter. I am told some persons are making interest with some members of Parliament in this dispute with the Crown; and that Chief Justice Horsmandens speech

in giving his Reasons for not allowing an appeal, is printed in this Place, with an inflammatory Preface, & distributed privately while the matter is still depending before the Gov^{r} & Council, which may make it necessary that your Lordship be speedily & truly informed.

I am no Lawyer & therefore I can only state the Dispute before the Council relating to his Majesty's 32nd Instruction in the Light in which I understand it. It is this: Whether it be intended that the whole Merits of the Case should appear before the Governor and Council, & afterwards before the King in his Privy Council or only the Errors in the Proceedings. In the first case a Writ of appeal issues, in the other a Writ of Error.

I could not doubt that an appeal by which the whole Merits might appear was intended. For, according to the methods of Proceeding in the Common Law Courts, nothing in most cases appears on the Record as the foundation of the judgement, but the Verdict of the Jury. No part of the Evidence on which that Verdict is given does appear. The Judgement therefore cannot be reversed in the common method of Error, tho' the Verdict on which it is founded be ever so iniquitous, because no Error can appear on the record; and I believe every Man who has been conversant in the common Law Courts of this Province will allow that many iniquitous Verdicts have been given in it. On the other hand suppose some special Pleadings or Exceptions be taken & afterwards on the Evidence a just & true Verdict be given, the Judgment on this Verdict may be set aside in Error. In both Cases where the Verdict is bad & no Error in the proceeding, & where the Verdict is good, but some slip or mistake has happened in the Proceedings, new suits beneficial to the Lawyers are encouraged, while both parties are willing & have money to contend, but where one Party is Poor & the other Rich they oppress the Poor & suppress Justice.

It cannot enter into my Thoughts that the King intended by his 32nd Instruction to enquire only into the chicanery of the Lawyers, without haveing it in his Power to judge of the Merits of the Causes in all Cases.

From the violent Efforts made at this time by the whole body of the Profession of the Law, their view appears to me to be to make the common Law Courts, in effect, the ultimate Resort of Justice in this Province which without doubt must give them an enormous & dangerous influence in it.

In a new Country like this where the People are almost universally Ignorant, a few people & they generally in the profession of the Law have a liberal Education, & where the most considerable families who enjoy the principal offices of trust are strongly connected by mutual relation or similar Interest, it is possible, & from the proceedings at this time it is become probable that the Bench & the Bar may combine to bring all causes to a general verdict where the Kings Prerogative or his Rights are affected. In such case the Prerogative & Rights of the Crown must depend on the integrity & knowledge of the Jury, for according to the Doctrine which now prevails there can be no appeal from the Verdict of a Jury. It is said indeed that the Judges may give a new Trial, where the Verdict appears to be contrary to Evidence. But this Remedy depends upon the Will of the Judge, for in case he refuse no Error in his refusing can be assigned where the Evidence on which the Verdict is given cannot appear.

It is not easy to believe what liberties are sometimes allowed the Attorneys to perplex the Witnesses on one side & afterwards to perplex the Jury. To remedy this in all the Governments to the Eastward of this, I am inform'd that the Evidence is taken down in writing in open Court when either of the Parties request it, is delivered to the Jury & made part of the Record. In this manner the Jury can with more certainty deliberate on the Evidence, than when they trust to their

memory after a long perplex'd hearing of 12 hours and either Party have a right to appeal to a superior Court, on the whole Merits without depending on the Will of the Judges to give a new Trial. If a like method were established all over the Colonies it would in my opinion tend greatly to the security of Property in general of his Majesty's just & necessary Prerogative & of the Dependance of the Colonies on their Mother country.

The arguments against Appeals are all taken from what the King cannot do by his Prerogative in England, & conclude that the King can do nothing in the Colonies which he cannot in England. If this were true it must be subversive of every Government in the Colonies, where all of them depend on the Kings charter or on his commission to his Governor, are all different in their forms of Proceedings in their Legislature & in administring of Justice from what is established in England & different from each other. The Supreme Court of New York has all the powers in the first instance of the Kings Bench, Common Pleas & Exchequer. It may be well doubted whether the King could establish such a Court in England, & yet the whole Justice in Common Law in this Province depends on this Court which [has] no other authority besides the Prerogative of the Crown to establish such Courts in the Colonies as the King shall think necessary for the administration of Justice; as certainly by his Prerogative he may since the Executive Power is in the Crown; and in this sense the King is said to be the Fountain of Justice. The Courts of Justice in the Colonies cannot be the object of the ancient or common Law of England, because they did not then exist, & the Prerogative cannot be limited in these new countries by usage & Custom. It is certain in fact that Justice is obtain'd in the several Colonies according to the Common Law of England, in Courts whose modes of Proceeding & Executive Powers are very different, and different from any Court of common Law in England; & therefore I am humbly of opinion that the King may

give such Executive Powers to the Courts of Justice in the Colonies as he shall think most conducive for obtaining of Justice, & that this may be done without the least prejudice to the Common Law—An error runs thro' all the arguments against appeals, in not distinguishing between the Law & the manner of Executing the Law.

I make no doubt of your Lordships excusing me in writing my own Sentiments on a matter which I think of so great consequence: I shall therefore take the liberty to make some remarks on the Harangue which Chief Justice Horsmanden made in giving his Reasons for not obeying the Writ of Appeal. In answer to his Argument from the words of the Instruction, by which the Governor is directed to issue a Writ *in the manner which has been usually accustomed*, I am of opinion that the meaning must be in the manner which has been usually accustom'd in cases of appeal, not in the manner which has been usually accustom'd in this place; for the accustom'd manner in this sense may be erroneous, and on the first appeal as it is said this is, there could be no accustom'd manner in this place. Nor could there be an accustomed manner on the first Writ of Error, for the time when a Writ of Error was first brought in this Place can be assign'd.

The next argument of Chief Justice Horsmanden is from the enormous Expence which must be occasioned by Appeals in case they be allowed. I readily allow that the expence of Law suits in this Province are enormous, & tend to the suppression of Justice where one Party is Poor and the other Rich. The Bills of Cost Taxed by the Judges have been by great numbers complain'd of as a grievance which could not have happen'd without their concurrence. In an Ejectment where there were no Special Pleadings or Exceptions of any kind, Chief Justice Horsmanden not long since taxed the Costs on one side at £314, some shillings & Pence, and in many instances the Costs have equall'd the value in Question. When M^{r} Prat was appointed

Chief Justice of this Province he was surprised at the general Complaint made to him of the excessive Expence in obtaining Justice, the like not to be found in any one of the Colonies on the Continent. He said that in 20 years in which he had Practised in the Massachusetts Bay, he did not remember of any Bill of Cost which exceeded £20, New York Currency, tho' in their Courts the Evidence when either Party required it was taken in writing. Had he lived he would have remedied this great Grievance but since his Death it remains without Redress. He had no family or other private connection in this Province—tho' many prejudices were at first infused into the Peoples Minds against him as a stranger, yet his Death was afterwards generally thought a public loss.

As to the objection which M^r^ Horsmanden makes of the necessity of Interrogatories, cross Interrogatories, Examinations & Cross Examinations &c for which no officers are appointed, it is easily removed by the evidence being put in writing in the Court below from whence the appeal is made, or if Witnesses are to be examined before the Council, it may be done viva voce in Court, & put in Writing by the Clerk of the Council, who is a standing officer. Or if any other officer be wanted, the Governor has sufficient authority to appoint such.

Chief Justice Horsmanden insists that in case of allowing appeals on the Merits the Council would be obliged to sit every Day to determine them. This was certainly designed to amuse the Ignorant—the Supreme Court of this Province sits not quite six weeks in the whole year; suppose an Appeal were made in every Cause (an absurd supposition) as the cause is brought to issue before it can come before the Gove^r^. & Council, it cannot take up so much time before them as it did in the Supreme Court.

His objections relating to the Introduction of Perjury are likewise removed, by takeing the Evidence in Writing in the Court below—and this objection is as

strong against a new Tryal; the only remedy which he allows against an iniquitous Verdict, and against the new tryals on Ejectments in this Province which frequently happen.

As to the form of the Writ, I had no part in it, but that of putting the seal to it. The Gentlemen of the Law when I have objected to the absurdity of some Writs told me they had a right to have them sealed—they took them at their own peril, but that I could not without injustice refuse the seal. On these occasions I have often thought that Lawyers have introduced Mysteries & absurdities into the Law forms, that Mankind in general, who are not Lawyers may not in such cases have the use of their own reason in judgeing of them. I neither could nor did advise as to the form of the Writs. Whatever error there may be in them, the Party who took them out has this excuse to make that no Lawyer in this Place would advise him in forming the Writ.

It is become necessary for me to observe to your Lordship that the Chief Justice in his speech has strongly insinuated that the proceedings in bringing this appeal are highly Criminal & to confirm this insinuation John Morin Scot, an Attorney, has commenced a suit against the Deputy Secretary who is clerk of the Supreme Court for not sealing the execution in this case after he had been served with the Writ to stay Proceedings. The same person in open court before the Council addressing himself to me said, it is highly Criminal for any Person to issue a Writ in any case where he has not Jurisdiction. He owns himself to be the Author of the inflammatory Preface to the Printed Copy of M^{r} Horsmanden's speech which is given out to many persons, & read by numbers in this Place: A Copy of which I think is proper to send your Lordship—the last line of the Preface is struck out in all the Copies which I received from him. These things make the stronger impression as they had found means before that time to make me understand

that my administration may be very short, that I must remain in the Province, that I had a numerous family in it, and that I and they must expect to feel the resentment (& perhaps the malice) of a powerful Body of Men.

I have not one single Person of knowledge in the Law to assist me. I may have erred in Judgement, but I am persuaded it will appear that I have acted on Principles of Equity & Justice, and with a Sense of my Duty as Trustee for the King in this Province, in preserving to the utmost of my Power the Kings Prerogative & just Authority, and likewise in securing the Property of his Subjects in this Province, by all the Legal means which the Crown has Established—With these Sentiments I rest secure in the Kings Protection at all times against any Malice or Resentment, how great soever.

Notwithstanding of the present opposition to Appeals, I am fully persuaded that with Judges of Integrity & ability, free from all family or interested connections, & the officers of the Crown doing their duty appeals will be submitted to, & the People become pleased with them. But it may be requisite that any ambiguity in the Instruction be removed—directions for the method of Proceedings be given, and that it be extended particularly to all cases in which the Title or Rights to Lands are in Question, or the Prerogative or Rights of the Crown are affected. If the aid of Parliament be thought necessary, it appears a matter of such importance as to require it.

Allow me my Lord to observe in the last place that a delay in determining this matter, will in this Place, be interpreted as a tacit withdrawing of the Instruction.

Yesterday the Council met at which time the Judges William Smith & Robert Livingston gave their reasons why they refused to admit an appeal—the other Judge David Jones by his Letter to me answer'd that he was not in Court at that time & had no part in the refusing or admitting.

The Council directed an Order to him to give his Opinion on the Legality of Appeals, and then adjourn'd this matter for 14 Days to receive his opinion.

I have now endeavour'd to inform your Lordship to the best of my ability, & it is done with the utmost submission by, My Lord.

With this Letter were inclosed—

Minutes of Council on the Appeal, including Mr. Horsmanden's Reasons, & the Lawyers & Attorney Generals Opinions.

Printed copy of the same, entitled Report of the Case between Thomas Forsey & Waddel Cunningham.

A Narrative of such of the Proceedings before the Governor & Council as do not appear on the Minutes.

N. B. An Abstract of this Letter to Lord Halifax beginning with these words (I am no Lawyer) page 428 and ending (no Lawyer in this Place would advise him in forming the Writ) page 433—was sent to the Board of Trade with the Letter to them dated 13th Decr 1764. It was endorsed—Extract from Govr. Colden's Letter to the Earl of Halifax, containing the Substance of his Arguments in Council upon the Expediency of Appeals.

Likewise the Narrative & the Printed Report of the Case, &c.

The Minutes of Council went in the Box from the Secretary's office to the Board of Trade by the same Packet.

A Narrative, Etc.

A Narrative of such of the Proceedings in an Appeal brought by M^r^ Cunningham from the Supreme Court to the Gov^r^ Council as do not appear on the Minutes of Council, sent to Lord Halifax and the Board of Trade, 13^th^ Decem^r^ 1764.

I have been inform'd & I believe truely that M^r^ Cunningham's Attorneys at Law in their consultation for his defence, had agreed to appeal in case of excessive Damages & had set it down as part of the Brief for the use of their Council, and accordingly a Person was appointed & did take down the Evidence of the Witnesses in Writing. But that W^m^. Smith, J^r^. one of his Council near the end of the Term in which this Cause was heard, inform'd the others of the Consequences he apprehended from allowing of appeals to the King in his Privy Council, on which the whole Profession of the Law agreed to oppose any appeal from the Common Law Courts.

The Term ended on Saturday. Next Tuesday Morning M^r^ Waddell, M^r^ Cunningham's Partner in Trade & his Attorney presented to me the Petition which I communicated to the Council & is in the Minutes. On which I told him I would immediately advise with M^r^ Kemp, Attorney General, and desir'd him to return at Twelve, which he accordingly doing found me in conference with the Attorney General, to whom I had communicated his Majesty's 32^nd^ Instruction, a copy of which he owned he had in his own office. In M^r^ Waddell's presence I desired him to inform me what is proper for *me* to do in this Case, & that he would form a proper Writ to bring the Cause by appeal before the Governor & Council: He answered he knew of no Writ of appeal from Common Law Courts, and could form no other than a Writ of Error, to which M^r^ Waddell objecting that such would not answer his

purpose in bringing the merits of the cause before the Governor and Council: I told them that I would call a Councill next Day, after which I should come to a Resolution.

Next day I communicated Mr. Waddells Petition to the Council, and his Majesty's 32nd Instruction relating to Appeals. Perceiving that the Council inclined to have me refuse to issue any Writ of Appeal, I pointed out to them that the Order for issuing the Writ is Personally to the Governor or Commander in Chief, & told them that I would not take upon myself to conclude the matter by my own Act. If they when the Writ came properly before them as a Court, thought such a Writ did not lye, it would be in their power to quash it. And at their desire I order'd the clerk of the Council to make out a copy of the Instruction for each of them.

Soon after the Council had rose, Mr. Waddell again applied to me for a proper Writ, & urged its being done without delay because otherwise the Execution would issue, and as Mr Forsey had no residence in this Place, & was going or already gone out of the Province, Mr Cunningham would lose the benefit of any remedy he might obtain by his appeal. I had the more regard to this because a few days before application had been made to me for my Letter to the Govr. of St. Domingo in favour of Mr Forsey who design'd to go thither to recover a Vessell carried into that Port by Pirates.

I told him to get a proper Writ drawn & I would seal it. Next Day in the afternoon I sealed a Writ to stay Proceedings in the Supreme Court, and the Day following a Writ to bring up the Proceedings before the Governor & Council returnable in 14 Days. It is to be observed that no Lawyer in this Place would assist in forming either of these Writs, & therefore they may be liable to just exceptions.

On the return Day, Nov. 14th, Chief Justice Horsmanden inform'd the Council that he had brought two

pieces of Parchment called Writs, then he read part of the Oath which he had taken not to delay Justice by any Letter from the King that Writs are Létters & that it is better to obey God than Man. This is the purport of all he said at that time, but added he had not time (14 Days) to transcribe his Reasons fair, & desired till next Friday to do it.—From Friday he desired farther time to the Monday, at which time he delivered his Reasons as in the Minutes. From the Wednesday to the Monday he was observed to be in frequent consultation with some of the principal Lawyers in this Place.

After the Chief Justice had done, & I had delivered my Sentiments on the subject, in substance as I write at this time to the Earl of Halifax, it was proposed to take the Opinion of the Lawyers then attending: On which I proposed the following Question:

"Whether the King by his 32nd Instruction had given an Appeal to his Subjects in this Province from the Common Law Courts in all civil causes, & had constituted the Governor & Council a Court of hearing & determining such appeals; and directed the Clerk to take the question down in Writing which he did to that purpose tho' not in the words I spoke. After haveing read the Question twice, it was laid on the table, & perused severally by the Gentlemen of the Council.

Mr Smith, Jr one of the Lawyers attending, haveing declared his unwillingness to give any Opinion on that Question, and Mr Scott another Lawyer haveing declared that he was willing to give an Answer to a Question that he thought proper, but that he would not give any opinion if he was Order'd to do it; and some of the Lawyers at the same time whispering to some of the Gentlemen at the Board: Some unguarded Expressions fell from Some of them, which I do not think necessary to repeat.

The Gentlemen of the Council haveing refused to put the Question, I moved that the Question might be entered on the Minutes, and an Entry made that it was

refused to be put, On which Mr Scott laying his hand on Mr De Lancey's shoulder they went aside together, On Mr De Lancey's returning to his chair, I said to him that it is highly improper for the Members of the Court to have Private Conversation with any Person not a member while any Matter was in Debate. Mr Scott of himself answered that he told Mr De Lancey It is a rule in every Court not to suffer any Question to be Enter'd on the Minutes which the Court had not allowed to be put. The Gentlemen of the Council agreeing with this Opinion, I took the Written Question from the Table & put it in my Pocket, saying, Then I know what is proper for me to do.

After this Mr Smith Junr said that if the Court would allow him to state a Question, he would answer it, which being allowed he sat down at the Table and Wrote a Question, which being corrected by Mr Scott it was entered on the Minutes with their immediate Answer, & of the other Lawyers attending as in the Minutes.

I insisting that the Attorney General who was then present should likewise give his Opinion, but he declining to give his Opinion on the Question, as stated by the other Lawyers, he was allowed to state a Question for himself which he answer'd as in the Minutes—It was not in my power at this time to preserve the Decorum of the Court.

I think it needless for me to make any other remark on those proceedings, than that from them the necessity appears of an Appeal to his Majesty in his Privy Council, that Justice be impartially administer'd to his Subjects in the Colonies. This must more evidently appear to any judicious indifferent Person who heard and saw every thing which passed. Besides the Gentlemen of the Law who were present several Officers of the Army & Gentlemen of the Town were in Court on the Monday when these last things mentioned were transacted.

December 6th 1764.

MEMORANDUM.

At a Council yesterday Mr Justice Smith & Mr Justice Livingston gave their reasons for not allowing an Appeal and desired time to correct & reduce them to Writing that they might be entered on the Minutes. Mr Justice Jones who lives in the Country by his Letter informs me that he can give no reasons for what he had no part in—The Council Resolved & desire his Opinion on the subject, and defer'd a farther Consideration for 14 Days to receive his Answer.

Decr 13th 1764.

CADWALLADER COLDEN

TO SIR JEFF. AMHERST.

New York, Decr 13th 1764.

SIR,

I have the honour of your exceeding kind Letter of the 3rd July by Major Skene. It shall be my constant endeavour to preserve your esteem.

I can now with great pleasure inform you, that your Plan for reducing the Indians to submission has succeeded. General Gage tells me that Col. Bouquet has accomplished everything he had in charge with great prudence & without Bloodshed. The accounts I have heard of the Part which Col. Bradstreet had to act are so various that I can form no Idea of his Expedition. But General Gage & Sir William Johnson are displeased with him.

To be employed in any manner wherein I can be of use to you will give me the greatest pleasure. It may be convenient for me to know at what time I may expect to be succeeded, and I beg you'll take the

trouble to inform me as soon as you know it & conveniently can. I am with the highest Esteem & Respect.

To The R^t Hon^ble Lords Commissioners for Trade & Plantations.

New York, Dec^r 12^th 1764.

My Lords

General Gage having informed me by his Letter of the 7th of this month of the happy conclusion of all hostilities with the Indian Nations, who had appeared in arms against his Majesty, with notice that the Trade may now be carried on with the several Nations, I have by the advice of his Majesty's Council issued a Proclamation, of which the enclosed is a Printed Copy. None have applied to me as yet for my Licence, and I believe not much Trade can be carried on before next Spring, but the opening of the Trade will be of use to quiet the Minds of the Indians.

Nothing in my Opinion can be of more use to preserve Peace with the Indians than a strict pursuance of the Plan for regulating Trade with the Indians.

To the Gentlemen of the Council.

January 3^rd 1765.

Gentlemen,

The Paper I read yesterday was formed merely for the assistance of my own Memory without that care that I should have thought necessary had it been design'd to have publicly appear'd in Writing. My design was to inform you of my present sentiments of the matters in debate that you might make use of them for your own information as you please, & that you may have an opportunity of informing me in every point

where you think I mistake, that at last all of us may unite in forming a right Judgment of a matter of so great consequence as now is before us.

I was unwilling to give a copy of a Paper not sufficiently digested but now at your desire I send it, in confidence however that you do not suffer any Copy to be taken of it, or extract from it but that it be kept entirely for your own private use.

In that Paper I somehow omitted a remarkable Instance. Writ of Error does not lye in London. In the Mayor & Sheriffs Court commonly call'd the Hustings, where all the Property of the Citizen is determin'd, a Writ of Error does not lye, but an appeal. When the King appoints Commissioners who are to do full & speedy Justice, they do not only reverse or affirm the Judgment of the Hustings, but they give such Judgment as the Hustings ought to have given. The Jurisdiction of the Hustings is by common law & Writs of Error do not lye in any Court whose Jurisdiction is by common Law, but an appeal does.

I do not conceive the reason why the Instruction was read restraining the Gov^{r} from erecting any new Court, or dissolving any already erected. When the King restrains a Gov^{r} certainly he does not design to restrain or divest himself of his own authority. If the King has not erected a Court of Appeals, I shall never attempt it, nor attempt to dissolve a Court of Errors if the King has erected one in this Province. I am with great regard Gentlemen

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To Sir William Johnson, Bart.

Fort George, N. Y. Jan^{y} 6th 1765.

Dear Sir,

I have your very kind favour of the 18th of last Month. It gives me great pleasure that the Indian affairs are at last brought to such a situation that you

can exert your influence to the best advantage & securing Peace for the future.

The bad influence which the French from the Illinois have had on our Indians, cannot continue. Our Ministry must put a stop to it, if it be not done already, as I believe it is, for it is now generally thought that by this time the Spanyards are in possession of New Orleans. All our accounts from thence confirm this Opinion.

I long to hear that the two Mohawks who are going to Europe with young Clock are return'd to you, I sent them back with my Pass & a Letter to you with some Money to bear their Expences on the Road.

You will see in the Proclamation which I issued that Licences are to be granted in the manner you propose. I shall be as careful on this head as possible, for I am fully convinced that the continuance of Peace will depend much on a proper regulation of the Trade. In my last Letter to the Board of Trade, I made particular mention of this as of the greatest Consequence.

I meet with the greatest opposition in the affair of appeals, but as I am convinced that the People of this Province have no other security in their Property against the dangerous power of the Profession of the Law, nothing shall deter me from using my best endeavours to effect it; & tho' I stand alone, I am very confident I shall succeed. In time the People will become sensible of the great advantages they thereby will obtain. The Lawyers (some of them) purchase in every disputed Title, by this & the expence of Lawsuits they will worm People out of all their Property. For this reason I lay my account with encountring all their Malice, & the malice of some other avaricious families. But all this shall not deter me: as soon I shall have accomplish'd this, I shall with pleasure retire from public business, as I am come to the time of life when retirement is to be desired above all things—You are in the prime of Life—may you long continue to be usefull to your Country.

There is one thing I had almost forgot, Major Skeene who is lately return'd, said the Board of Trade think it improper for you to take any Land by Gift from the Indians. Some who have obtain'd the Kings Grants, in this Province have had their Eyes turn'd on your Purchase, by some of your back friends. I am very affectionately Yours.

To The Hon^{ble} Sir W^{m} Johnson, B^{t}

Fort George, Jany 12th 1765.

Dear Sir,

Yesterday Morning M^{r} Hansen, who is to carry this to you, inform'd me of the Death of Mr. Marsh, and at the same time made application to me for my Commission of Clerk of the City & County of Albany. I told him that I would appoint none before I had your Opinion of the fitness of the Person & how far you may think it proper to separate the clerk's office from the office of Secretary for Indian affairs. On which he has undertaken to carry this Letter to you & to bring an answer by Friday next.

He has made such offers to my son as have given me a Jealousy of him. He press'd me earnestly to give him a Promise in case you agreed to his haveing that Commission, but I absolutely refused to make a promise of any kind.

As the appointment at this time may be of more consequence to you than to any other Person, & from the friendship which subsists between us, my present resolution is to appoint no Person or Persons for these two offices either jointly or separately till I shall know your Opinion & I beg you will give it me freely.

The Gov^{r} has power to fill up all vacant offices tho' immediately appointed by the King till the King's pleasure shall be known.

Yesterday the Council, in direct contradiction to the Words of the Kings Instruction, unanimously resolved

that no appeals can be made to the King from this Province. This in my opinion is highly derogatory to the Prerogative of the Crown, & is of the greatest consequence to every Man who has Property in this Province, & may be subject to the malice or avarice of a Powerfull faction. I am with the greatest esteem & affection Sir

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To het Hon^{ble} Sir W^{m} Johnson, Bart.

Jan^{y} 12th P.M. 1764.

Dear Sir,

Since M^{r} Hansen went from hence with my Letter, my grandson Stephen De Lancey has applied to me for the office of the Clerk of the City & County of Albany. I am sorry that I did not know his inclination before I wrote that Letter only to prevent Hansen's going on that Errand, for you cannot imagine that I can prefer any Person to my own Grand child. There will however be an advantage in Stephen's waiting on you on this Occasion, that he & you can concert matters as to the distinct commission of Clerk from that of Secretary of Indian Affairs, so as you & I may unite in writing Home on this Head & I flatter myself that when we jointly recommend it will not meet with opposition. Matters of this kind admit of no delay least previous application be made & for that reason it may be proper for us to write by the Packett, which is every day expected. If you please to let me know the purport of your Letter I shall endeavour to conform to it. I am very affectionately

To Andrew Elliott, Esq, Collector of his Majesty's Customs at the Port of New York.

Fort George, Dec^{r} 24th 1764.

Sir,

M^{r} Peter R. Livingston, as I am inform'd discovered great unwillingness lately to pursue the method of clearing Vessells which has been invariably practiced at the Custom House here, for a longer time than I believe any Man now living can remember. I am enjoined by the Kings Instructions to see that the Laws of Trade are duly Executed & obeyed for which purpose it is necessary that I have it in my power to be inform'd of every Vessel that Enters & clears at this Port. It is therefore requisite that you continue the usual method of not Delivering the Papers from the Custom House for any vessel till they have obtain'd my Let Pass. I am, &^{c}.

To The R^{t} Hon^{ble} Lords Commissioners for Trade & Plantations.

New York, 22^{d} Jany 1765.

My Lords,

I wrote so largely in my preceding Letters on the subject of his Majesty's 32nd Instruction for allowing of appeals from the Courts of Common Law to the Gov^{r} & Council & from thence to the King in his Privy Council, that I have just reason to be affraid of being thought troublesome. But as it is agreed on all hands that never a Question of greater importance was agitated in this Province: I flatter myself your Lordship's will be pleased with receiving all the information I can give you relating to this matter. After premiseing that I am every Day more & more convinced that the opposition to appeals arises solely from

the Proprietors of the great Pattents in this Province, united with the Lawyers & by their deluding the People with false & imaginary Jealousies.

Herewith are inclosed the Minutes of Council posterior to those I sent by the last Packett, and in them every thing is enter'd which has been urged against allowing of appeals.

On the 11th of this Month the Council came to the following Resolution as Enter'd on the Minutes, viz:—

"His Honour the Lt Governour required the Opinion of the Council on the following Question:—

"Whether by the 32nd Instruction the King has directed his Governor to permit & allow Appeals in all Civil Causes, from the Courts of Common Law within this Province; and whether his Majesty has by the same Instruction directed his Governor and Council to hear & determine such Appeals."

"Whereupon the Council declared that as the Kings Judges and the most able Council in the Law in the Province have given their Opinion that no other than an appeal on Error can lay by this Instruction, they are unanimously of opinion no other appeal than on Error is the intention or meaning of the Crown by this Instruction, and that they cannot take Cognizance of any other appeal.

"His Honour the Lt Govr Declard his Dissent to the said Opinion and signifyed he would give his Reasons to his Majesty's Ministers." Which I am now to do by shewing your Lordships why I could not join in thinking that the Instruction means only a removal of the Proceedings & Judgment of the Court, as is done by Writ of Error, and not of the whole Merits of the Cause & Evidence, &c.

On the supposition that Appeal means Writ of Error, the Subject is by this Instruction restrained in all causes where the value is below £300 sterling, from that Relief which the subject in England by Law has a right to in all causes above 40 Shillings Value, which in such case would be unjust & contrary to Law. The

Crown therefore could not intend that the Supream Court in New York should have a final & irreversable power to a far greater extent than the Court of King's Bench in England.

If Appeal and Appellant mean the same as Writ of Error & Plaintiff in Error, the Instruction would not provide for security to be given, because on Writ of Error it is Provided by Act of Parliament.

If the Instruction was designed to direct a Writ of Error to be issued, Execution would not likewise be ordered to be suspended for a Writ of Error does itself suspend Execution.

In England Judgment on Errors in Proceedings or Points of Law ascends from Judges of lower Rank to those of higher Reputation. If the Governor & Council here are only to Judge upon the Proceedings and Points of Law, the correcting of the Errors of the Judges & Attorneys, Learned in the Law, must be by Men who have little or no knowledge in the Law, & less skill in the Practice of Courts. And yet these Men may be very proper Judges on the Merits of a Cause.

If the Practice of the Courts at Westminster be made the Law in the Colonies, upon what Practice there can the Governor & Council be made Judges of the Errors of the Supreme Court in New York? Or what Writ can issue at New York to Inhibit the Gov^{r} & Council or to carry the case from thence to the King in Privy Council? The Instruction Directs no Writ for this Purpose.

I am clearly of opinion that no Man who Reads this Instruction with attention & without prejudice compares every part of it with the other parts, can doubt that an appeal is intended on the merits of the Cause & to remove the whole cause & Evidence from an Inferior to a Superior Judicatory. In any other sense the several parts of the Instruction become Inconsistent. The meaning of the word Appeal is still farther put out of doubt by the subsequent 33^{d} In-

struction viz: *You are likewise to permit Appeals unto us in Council in all cases of Fines imposed for Misdemeanors &c.* in which case the appeal must extend to the whole Merits otherwise no Judgment can be made whether the fine be excessive or not. This the Gentlemen of the Council are obliged to admit. The Words "You are *likewise* to permit" shews that the intention is the same in the preceding Instruction. If the words of an Instruction be allowed to be wrested & turn'd to serve a purpose, it may be of no use to give any.

When I consider the Reason why in all probability this Instruction is given, every doubt is removed. His Majesty's Authority & the Rights of his Crown are secured to him by his Courts of Justice. He does not think it safe to place this great Trust in His Courts of Justice in the Colonies in the last Resort, & therefore has Reserv'd an Appeal to himself in his Privy Council. How wisely this precaution has been taken, too evidently appears by the present Opposition, in which the Judges act a principal part. They not only pervert the meaning of the Instruction, but in their public Harangues endeavour to inflame the minds of the People by false & truely wicked Suggestions, in order to render his Majesty's Instructions, & his Governor in supporting the Kings Authority & the Rights of his Crown, Odious to the People. How consistent this is with that great regard they pretend to have for their Oaths Your Lordships may judge from their Harangues inserted in the Minutes which are printed & dispersed among the People here; & how safely the authority & rights of the Crown may, in the last Resort, be trusted with such Men. I say in the last Resort, for if no appeal be allowed on the Merits, they become Judges in the last Resort. Had the Judges been well satisfied of the Justice of their own Opinions, they never would have taken the method of supporting themselves by inflaming the Minds of the Populace; a Method the least justifiable in them.

of any Men, & which can only suit a desperate Cause.

My Lords, The refusing appeals from the Courts of Common Law is no less dangerous to the Rights of his Majesty's subjects, than to the Rights of the Crown. The present state of our Courts of Common Law are well described, by the State which Chief Justice Hales gives of the County Courts in England, when the Property of the People in England was determined in those Courts, and for that reason I cannot better describe the present State of Justice in this Province than in his Words in the History of the Common Law viz: "All the business of any moment was carried by Factions & Parties. For the freeholders being generally the Judges, and conversing one among another & being as it were the Chief Judges, not only of the Fact but of the Law; every Man that had a suit there, sped according as he could make Parties, & Men of great Power & Interest in the Country did easily overbear others in their own Causes, or in such wherein they were interested, either by Relation of Kindred, Tenure, Service, Dependance or Application."

Similar Causes in all ages produce similar Effects: & such effects must be expected while Men have the means in their Power of gratifying their Avarice or ambition. Factions formed by Men of Interest, large Estates & family connections must be of much more force & consequence in any Colony than they could at any time have been in the Counties in England. The Counties in England had no Legislative power—were immediately under the inspection of the Kings Ministers, and under the Correction of the Superior Courts, and of the Parliament. It is true the King appoints all the officers of Government, but while they (from the Governor down to the meanest officer in the Government) depend on the Assembly for their Daily Bread, they must very unwillingly quarrel with such powerfull Factions. Indeed when the Judges and the Profession of the Law are connected in family &

similar Interests, with others of great influence & power in the Government, who unite in opposing a Governor, his authority will be despised because he wants the necessary means of putting it in execution.

The mischief which Chief Justice Hales Complains of in the Execution of Justice in the Counties in England, were easily remedied by application to the Courts at Westminster & by the Circuit Courts, for every Man who suspected too powerfull an Interest against him in the County, removed his Cause into one or other of these Courts. Judges are not allowed to go into the Counties where they have Estates or family connections. But in the Colonies neither the Crown nor the subject can have such Security & Relief against interested Judges and an overbearing Faction. Their only Security & Relief is by Appeal.

It is true that the appointing Judges who have no family connections must in a great measure remedy these Evils, but if the Profession of the Law keep united as they are now, the abilities of an upright Judge will not be sufficient to restrain the Lawyers, without the Security of an Appeal to a Court where they can have no undue influence. The Lawyers influence every branch of our Government--a Domination as destructive of Justice as the Domination of Priests was of the Gospel; both of them founded on Delusion—Independent Judges Disinterested & free from family connections, with the right of Appealing to a Court which cannot be biased by any of our Parties, will effectually destroy this Domination, and secure the Rights of the King & his subjects

Now My Lords I must beg leave to add something in excuse for my own Conduct in this affair, for not haveing put in Execution the authority with which the King has entrusted me & which it may be thought I ought on this occasion to have exerted. But what can a Man do who has no Hands? Mr Kemp, the Attorney General absolutely refused to assist me. When

application was first made to me for allowance of the appeal, I sent for him & desired him to advise me what was proper for me to do in this case. He absolutely declined to give me a direct answer, tho' I several times repeated the Question and at last put in Writing & gave it him. What he did afterwards appears on the Minutes of the Council.

The Judges in place of giving the Reasons of their Judgment in private & simply, as I expected, surprised me by haranging to a large audience to make his Majesty's Instructions appear illegal & arbitrary, & to render his Governor Odious in the Eyes of the People for supporting the true intentions of the Instruction & for publicly affirming that it is really calculated for the benefit of the subject in this Province. I thought first that Chief Justice Horsmanden had gon farther than any other of the Judges were willing to follow him; but to what lengths Justice Livingston has gon will best appear from his Harangue which he industriously intruded on the last Day of the Hearing, without being desired to speak on this occasion. It requires no comment—I only beg your Lordships will peruse it. He is heir to one of the greatest Landed Estates dispersed in several parts of the Province, & involved in Disputes with the poor industrious Farmers who have settled and improved the adjoining Lands.

The Gentlemen of greatest influence in the Council I knew from the beginning were averse to the allowing an appeal, but I did not suspect that they would have encouraged the method of clamour to carry their purposes till it was too late. I could not imagine that his Majesty's Council would adopt measures so unbecoming their character, and which are never taken but by a daring faction in opposition to the administration. After the Governor & Council had taken the form of a Court, & were surrounded by the Lawyers, every Member of the Council thought he had an equal Right with the Governor to direct the method of Proceed-

ings. They all united in every step which served to promote their purpose. To make the Council unanimously agree with the Judges was a measure pursued with the greatest earnestness as the only method to preserve the Judges—great numbers they think must skreen individuals.

While the Council kept the matter depending above eight weeks in order to give the Judges severally an opportunity to harangue the audience, I attempted to inform myself by Books since I could have no assistance from the Attorney General, and communicated to the Council some arguments which had weight with me, & which I was in hopes might likewise have weight with them. They urged me to give them a copy of the Memorandums I had made, which I several times declined to do, suspecting it would be put into the Lawyers Hands, & such use made of it as afterwards was. But at last I consented and sent it to them with the Letter a copy of which is enclosed. A fortnight afterwards to which time the meeting of the Council was delayed at their desire, they surprised me with their answer to my Memorandums, as entered on the Minutes, and at the end of it gave a final Judgment.

I complain'd of the ill use had been made of my Confidence & of the indecency in making the Governor & themselves as it were opposite Parties in the Debate, and of their forming a judgment privately among themselves without the knowledge of the Governor & publishing it as the Judgment of the Court. They were so sensible of their Error in the last Matter as to alter the concluding Clause. As it is now to be before proper judges I shall forbear to make any farther remarks on this part of the conduct of the Council.

As to the popular clamour it is really in my humble opinion little to be minded. The grand Engine by which the Judges & Lawyers endeavour to inflame the Minds of the People easily misled by Sounds, is by boldly suggesting that our constitution is to be altered

by the Kings 32nd Instruction & Trial by Juries taken away. This is maintained in every Debate & Publication, yet is inconsistent with Truth. No one case can be shewn wherein a trial by Jury can be prevented in pursuance of this Instruction: nor is it probable that there will be an appeal on one cause of a hundred that are tryed in the Supreme Court here. It is true there seems to be a remedy against an iniquitous Verdict, & what honest Man would not wish to have such a Remedy. If I be rightly inform'd, as I believe I am, iniquitous verdicts have been frequent in this Colony, & chiefly owing to the artifice of the Lawyers in sometimes leading the Witnesses & Jury, & at other times by perplexing them without any proper check from the Bench. In all Appeals before Men of common honesty great regard will be had to the Verdict of twelve Men on their Oaths, unless the Verdict appear evidently false.

I know numbers of gentlemen that are persuaded Justice cannot be preserved in the present state of our Courts, unless we have disinterested & independent Judges, & the subject have a right to appeal. People, after the present torrent has subsided, will discover that they have no other security in their Property against a powerfull interested Faction. Certain it is, the Merchants in England & Persons there who have property in the Colonies, cannot otherwise be secure.

Whatever may be the foundation of the Judges Sentiments, they can never be justified in the method they have taken to inforce their own opinions, while my Conduct they know may in so short a time be subjected to the enquiry of his Majesty's Ministers, where they may regularly have Relief & I am subject to the highest censure. Indeed they have had no way to avoid this Reflection but by a still higher offence, by suggestions of the arbitrary Dispositions of the Lords of the Privy Council without regard to Truth, Justice or Decency.

If your Lordships shall think it proper that Chief Justice Horsmanden Justice Livingston & Mr Kemp the Attorney Genl be removed from their Offices, & other fit Persons free from all connections in the Province be appointed in their room, with sufficient Salaries to free them from the undue influence of the Assembly, I make no doubt every thing will soon become quiet, & People in general will think themselves happy in the change.

An Attorney General of sufficient knowledge in the Law is more necessary for his Majesty's Service in this Province than has been hitherto imagined. A Governor must often be at a loss for want of such to advise him.

Before the latter part of Mr De Lanceys Administration there were only three Judges of the Supreme Court. He added a fourth to oblige the Speaker of the Assembly, who had been very usefull to him. It will be more easy to find sufficient Salaries for Three than for Four. The present Justices of the Supreme Court are Daniel Horsmanden, Chief Justice, David Jones, William Smith and Robert R. Livingston.

Nothing my Lords but a thorough Conviction of the necessity of Appeals for securing the Rights of the Crown & a due administration of Justice, could have induced me to stand singly in the Gap against such a violent torrent, in a Country where my family must continue to be exposed to the Malice of a powerfull Faction, sway'd by avaricious views which in my former Letter I have explained. My conviction principally arises from the knowledge I have of the administration of Justice in this Province, & of the Men in whose hands it is placed against whom without an Appeal to a superior Judicatory even an Act of Parliament may not be a sufficient Security.

Your Lordships cannot avoid seeing my present situation, and that my confidence can only be in His Majesty's Protection while I perform my Duty, with your Lordship's approbation of my conduct. And

your Lordships must likewise perceive how much it concerns me in the administration to know your sentiments as soon as may be.

To The R^t. Hon^ble. Earl of Halifax.

New York, 23^d Jany 1764.

My Lord,

In the Letter of the 13^th of last month which I had the honour to write to your Lordship, I presumed the importance of the subject would excuse the trouble I then gave you. I shall not now presume so much on your patience, haveing at this time given all the information to the Lords Commissioners for Trade & Plantations, I can on the subject of Appeals to his Majesty in his Privy Council, so warmly disputed in this Province. I shall only beg leave to mention some things w^h. I humbly conceive may deserve your Lordships immediate attention.

His Majesty's authority and the Rights of the Crown are secured to him by his Courts of Justice. The King does not think it safe to place this great Trust finally in the Courts of Justice in the Colonies, and therefore has reserved an appeal to himself in his Privy Council. How wisely this Precaution has been taken too evidently appears by the present opposition to it. Had the Judges of our Supream Court & the Gentlemen of the Council candidly given their opinions with becoming submission to the King in his Privy Council, I should have made no complaint whatever their opinion had been. But when Men in whom the King places the greatest confidence in this Province, attempt to support their opinion by measures which no Man fully convinced of the Justice & legality of his Opinion would ever take, they give just reason to believe that they are influenced by sinister & bad purposes, and are not willing to submit to the proper

Judges finally to determine the same: especially if the measures taken to support themselves are only fitted for the purposes of a Desperate Faction in opposing the legal administration of Government & tending to sedition.

The Judges under pretence of delivering the Reasons of their conduct openly Harangue a numerous Audience with design to render the plain & obvious meaning of his Majesty's 32nd Instruction odious to the People by representing it as subversive of the Law & Destructive of the Constitution, and by vile suggestions that the Governor who supports the Instruction and the Lords of the Privy Council who have the final Determination of appeals, are Men capable of overturning the Law & Constitution, & willing to reduce his Majesty's subjects of this Province to a state of Slavery.

However incredible what I now say may be thought I humbly conceive it will evidently appear by the Papers enter'd on the Minutes of Council, by the Printed Papers which I inclosed to your Lordship with my preceding Letter & by Justice Livingston's Harangue, an attested copy of which I now inclose & which I doubt not is likewise design'd for the Press.— Justice Livingston is largely interested in the great Land Pattents.

This wicked design is put beyond all Question by the Printing the Judges Harangues while the matter was depending before the Govr. & Council for their Judgement, & still depends before his Majesty in his Privy Council for their final Determination.

These Publications have had their design'd effect of inflaming the minds of the People in this City. But clamours artfully raised soon subside, as I am confident this will with People in general. They have formerly in one or two Instances succeeded by such artifices in giving apprehension to the Kings Ministers of inconveniences & dangers for which there was no real grounds, and they hope to do so now.

The Attorney General is the proper Person to advise & assist the Governor in every case relating to Law proceedings. Mr. Kemp the present Attorney General absolutely refused to advise or assist in the support of his Majesty's Instructions, which laid me under unexpected difficulties.

From the knowledge I have of the Men & of the manner of Proceeding in our courts of Justice, I am with entire submission of opinion that all factious attempts for the future will be effectually discouraged if his Majesty shall think proper to remove Chief Justice Horsmanden & Justice Livingston who have chose to distinguish themselves on this occasion, & appoint a proper Person to be Chief Justice free from all interested connections & supported according to the Dignity & importance of his office. It seems farther requisite for this purpose that an Attorney General be appointed capable of supporting the Kings Authority & Rights of his Crown & to advise the Governor in all cases where the advice of a Lawyer is requisite, & that he likewise be made independent. When this shall be done & the present torrent of delusion has subsided which cannot last long, I make no doubt people in general will be sensible of the great benefit they will receive by the right of appealing on the Merits of the Cause. Many are sensible of the present precarious state of their Property under the dangerous and formidable influence of the profession of the Law, which extends to every branch of Government. When a Cause is carry'd to his Majesty's Privy Council the Lawyers in this Place can have no improper influence, & of this both they and their clients will become sensible.

So long as I can remember we have not had an Attorney General fit for his office. This defect has encouraged some Men to become bold in factious attempts, & from this the Proprietors of the great Land Pattents have gain'd their great power. An able Attorney General would have restrained them effectually.

Inclosed, My Lord, is a copy of the final Resolution of the Council in relation to appeals.

If my situation in this Province be considered after the administration of Government shall be in other hands, & of my numerous family at all times exposed to the Malice of a number of Men, the proprietors of the great Pattents, virulent in their Resentments, & of great influence by their Riches and family connections; I am persuaded it will be allowed me that nothing but a Sense of my Duty & of the real Interest of the Country where my Residence is fixed could have prevail'd on me to have acted, singly & without assistance, the part I have done.

The same Sense and Conviction of my Duty gives me full confidence that I shall at all events remain safe under his Majestys Protection.

In all my public actions I have had in view to be worthy your Lordships Regard, and to preserve the honour of being, &c.

To Edward Sedgwick, Esq.

New York, Jany 23. 1765.

Sir,

I have the favour of your Letter of the 10th of November, informing me that the Earl of Halifax had lost no time in transmitting the Depositions relative to the Seizure and confiscation of Messrs Crugers Vessell off Hispaniola to his Majestys Embassadore at Paris, with his Majesty's commands to make proper Remonstrances thereupon to the Court of France.

By the preceding Packet & by this I have transmitted several Papers & wrote to my Lord Halifax as well as to the Plantation Board, on a Matter of great importance to his Majesty's service, & to his Subjects in this Province.

It may be of singular use to me to know the Sentiments of his Majesty's Ministers on the subject of those

Letters & papers, as soon as may be for I expect that pretended intelligence will be propagated in this Place, to my prejudice. I promise you no imprudent use shall be made of any information you shall favour me with, or other use than what you shall allow me to make of it.

I flatter myself that my Lord Halifax will allow you to do me this favour, and you will thereby greatly oblige Sir, &c

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To R^t^ Charles, Esq, General Post Office, London.

New York 24^th^ Jan^y^ 1765

Sir,

I have your very kind favour of the 11^th^ of August last giving me an account of what had been done with respect to the boundary between this Province & New Hampshire. The Lords of the Plantation Board inform'd me that they had adopted my Proposition & recommended the same to be finally determined by his Majesty, but I had not heard that his Majesty had made any order thereon, till I received your Letter neither have I as yet received any authentic Account of it.

No doubt you are informed by the Committee of Correspondence that the Assembly of this Province have on the Recommendation of the Plantation Board past an Act for Determining the Boundary between this Province & Massachusetts Bay, similar to the act for determining the boundary between this Province & New Jersey which the Plantation Board had disapproved of. I sent an authentic copy of this Act to Gov^r^ Bernard the receipt of which he has acknowledged, but I know nothing of the Resolution of the Assembly of Massachusetts Bay on that Subject.

You have now under your care matters of great importance & which may in the consequence produce great changes in this Government. You will extreme-

ly oblige me with an early information of what public steps are taken, or resolutions of the Ministry, or probably like to be taken thereon. I am with great Esteem & Regard

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To R^T HON^BLE LORDS OF TRADE, &c.

New York, Jany 27^th 1765.

MY LORDS,

The Packett being detain'd by the Ice & bad Weather after the mail was closed, I have an opportunity to inform your Lordships that by Letter which I received from Sir William Johnston, he thinks it of the greatest consequence in preserving the Peace with the Indians that the Regulations of the Trade with them be transmitted as early as possible next Spring. As the manner of opening the General Trade may have great influence on the Minds of the Indians, I entirely agree with him in the same Opinion. I shall add that as private Interest will probably give much trouble to those who shall be entrusted with the conduct of this Trade, it appears to me extreamly necessary that the directions be as precise as possible, with discretional powers however in case of unforeseen Emergencies: as to these Experience at least will be the best Instructor.

From what I can learn Col. Bouquet has performed everything that was expected of him. But as to the Expedition by way of Niagara, I can form no Idea from any information which I have received. By an account I have from Sir W^m. Johnson since I wrote my last, Col. Vaughan who commands at Niagara is under difficulties by his not having sufficient directions for his conduct on any unexpected emergency which has happened. But of this I expect My Lords you will have a particular account from Sir W^m Johnson.

M^r Marsh who was appointed by the King, Sec-

retary for Indian affairs & Clerk of the City & County of Albany dyed about a fortnight since. The uniting of these two different offices was at first obtain'd only by private Interest & they might at that time have been executed by the same Person while all the Indian affairs were Transacted at Albany. But now that the Indian affairs are conducted at various & distant places, & never at Albany, it is impracticable for the same person to execute both offices. I have therefore appointed Stephen De Lancey, my Grandson, Clerk of the City & County of Albany hopeing that it will not be disagreeable to your Lordships. If it be not, & the King appoint no other, my appointment is sufficient. Before I did this I sent on purpose to advise with Sir W^{m} Johnson who agrees with me in the propriety of separating the two offices & designs to recommend M^{r}. Shuckburgh for the office of Secretary of Indian Affairs.

Since my last I have had opportunity of conversing with disinterested Persons in relation to the opposition against Appeals to the King in his Privy Council, & from them I have reason to think that the artifices to raise a general discontent have not the success that was expected. It is too evident that the view of the party in opposition to appeals is to raise a public clamour in hopes thereby to make his Majestys ministers think it prudent to yield to them. In this they place their hopes, but my Lords I am confident that by the appointing a proper Chief Justice & an able Attorney General, with a sufficient support for each of them, all opposition will cease. At the same time I humbly conceive it requisite that Justice Livingston who has distinguished himself on this occasion be removed from his office, as no Cause of any Consequence can come before him in which or in similar Cases he or the Livingston Family are not interested. Allow me to add that public clamours rais'd by artifice as they tend to Sedicion may become more dangerous in the Colonies than they can be in Britain.

Whatever I presume to propose is done with the utmost submission by My Lords.

To the R[t] Honourable Earl of Halifax.

New York, 28[th] January 1765.

My Lord,

M[r] Marsh who was Secretary for Indian Affairs & clerk of the City & County of Albany by the Kings Commission dyed in this Place about a fortnight since. The two offices of clerk & Secretary were united several years since by private Interest. The office of the Clerks of Counties have at all times been & the others still are in the Governors Nomination & appointment. When these two offices in the county of Albany were first united, the business in both was small, & they might well have been executed by the same person, for then all the Indian affairs were transacted at Albany. But now that the Indian affairs are become vastly more extensive, and are all now Transacted at parts distant from Albany, it is impracticable for one person to attend both. Sir W[m] Johnson whom I have consulted is of the same Opinion. I have appointed Hugh De Lancey, my Grandson, clerk of the city & county of Albany & have left the other office open to Sir Williams recommendation.

One M[r] Hansen was the first who applied to me for the office of clerk & I inclined to have appointed him before I was informed that he is charged with a breach of Trust in fraudulently imbezzling a considerable quantity of Money put into his hands. M[r] Elliot Receiver General of his Majesty's Revenues in this Province, I am told, has wrote in favor of M[r] Hansen to his Brother M[r] Elliott, Treasurer of the Chamber, but this I believe was done before M[r]. Elliott knew of my appointing my Grandson, & without his knowing of the charge on M[r] Hansen's character.

My Lord, I should not have troubled you with a matter of so small importance were it not that every disappointment to me at this time must greatly lessen me with the People of this Province—I am with the highest respect & gratitude My Lord,

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To Dr Robert Whytte Professor of Medicine in the University of Edinburgh.

New York, Febry 2d 1765.

Dear Sir,

Haveing an opportunity of a ship directly to Leith commanded by Mr. Thompson who tells me he is personally known to you, I am fond of laying hold of it. Such an opportunity I have often wished for to send you some papers which I imagine in your hands may be of some use, but my present hurry of business greatly disappoints me. I have reason to think I shall have no time to consider the subject so as to make my thoughts appear with any degree of clearness to others. I can only at present give you general hints. I think it demonstrable that the Animal Circulation is not performed by Mechanical Principles only. That a particular intestine Motion or a kind of Fermentation in the Fluids begins & continues the circulation, & that the motion of the Blood may properly be said to originate in the Veins (a Paradox). That a certain Principle of Fermentation, or a kind of Yest is necessary for vital Fermentations. That the nerves yield this Principle. That the origin of the Nerves is in the male sperm or animalcule or licatricula in the Egg. That all the solid parts are formed from the Nerves. That the Female yields a proper Nest and Materials or Fluids for the first beginning of the circulation & for the gradual forming of the Viscera & Animal Machine, under the direction of an intelligent Principle. The Materials or Fermenting Liquors are after-

wards supplied by Food. Hence the necessity of different Male & Female individuals in every animal species, or of different Male & Female parts in Vegetables. That while the influence of this Principle of Fermentation from the Nerves continues perfect, Vital fermentation is continued, but when it is obstructed or vitiated a vicious fermentation or corruption is produced, and Death.

These hints I am persuaded are sufficient for you to Judge of the Principles I have conceived of Animal & Vegetable Life & Motion, & if they have a real foundation you are more able than I am to illustrate them, so as to make them of general use.

My thoughts have of late been unavoidably much engaged in Political Fermentations, which at this time are raised more or less everywhere in the Colonies. I am of opinion that these political fermentations are necessary for preserving the Political system in its full vigor & life, when they arise from a true principle of Virtue, but when they arise from vicious Principles of Avarice or Lust of Power in Individuals they produce corruption through the whole system, and at length its Death or Destruction. It would be of great use in history to shew the Principles from whence these several Ferments at different times have arisen; and the natural consequences of them from the Principles which occasioned them. No man is more able to do this than the Judicious Principal of your University.

It will give me great pleasure to hear that M^{r} Bard improves in his Studies under your Instruction.

I am obliged to write without sufficient time to consider what I write. I flatter myself you will excuse it. I am with the highest esteem & real affection

To The Hon. Thos Fitch, Esq. Gov. of Connecticut.

New York, Febry. 12, 1765.

Sir,

Haveing laid before his Majesty's Council the inclosed Petition of John Anderson, holding by Grant under the great seal of this Province three Islands in the Sound, & complaining that he has lately been sued by Justus Bush, David Bush, William Bush & John Gregg, Inhabitants of the Colony of Connecticut, for a supposed Trespass on one of those Islands called Captains Island, and praying the interposition of this Government in order to secure to him the effect of the Royal Bounty. I am by the advice of the Council to propose to your Government the submitting the matter of Jurisdiction with respect to these Islands and such others in the Sound as are or may be Contested to the Determination of his Majesty in his Privy Council, on such state of the Controversy as each Government shall think proper to transmit to his Majesty's ministers for this purpose; and that in the meantime all judicial proceedings be suspended as ineffectual, and necessarily tending to create Animosities between Individuals, & to embroil the two Governments. As the Method proposed will answer the same end as a Commission in the usual form, and, being attended with little or no Expence, seems better adapted to a Case in which the public Interest in either Colony is inconsiderable: I flatter myself it will meet with the approbation of yours, in which case I shall order the proper Papers to be prepared & shall transmit them without Delay. I am with great Regard

To The R^t Hon^ble Lords of Trade & Plantations

New York 22^nd February, 1765.

My Lords,

As it is my duty to give your Lordships all the information I can on the subject of appeals, which has been so publicly Disputed in this Province, I presume you will not be displeased with my adding from time to time such farther information as comes to my knowledge. It is improbable that I without assistance could be fully informed of many things pertinent to the subject.

In King Charles the 2^nds Grant of this Province to his Brother the Duke of York, appeals to the King are Reserved in the following words: "And saveing & Reserving to us our Heirs & Successors, the Receiving, Hearing and Determining of the Appeal and appeals of all or any Person or Persons of in or belonging to the Territories or Islands aforesaid, in or touching any Judgment or sentence to be there made or given." And in all the Commissions to the Governors of this Province from the Revolution to the year 1708, when Lord Lovelace was appointed Governor, a like reservation is inserted: but in Lord Lovelace's Commission the Reserving of Appeals is omitted, & inserted in the King's Instructions to him; and has continued ever since in the Instructions only. So that the Right of Appealing appears to be an Essential Part of the Original Constitution of this Government, and continued by express words ever since. It cannot enter my imagination that so long continued an Act of the Kings Authority in all the Colonies can be Illegal. And it seems to me inconsistent with the Rules of Justice that there should be no relief against the Verdict of a Jury, but what depends on the Will of the Judge, in giving a new Trial, or by Attaint. The first seems to be a power merely assumed by the Judges, and often ineffectual, the other in its nature almost impracticable and for that reason in disuse.

Since my last I am inform'd that the Gentlemen in Opposition to Appeals, have prevail'd on several Persons in this Town, to write to their Correspondents in London, and transmit the Papers Printed in this Place, in order to have a public appearance there against appeals. I cannot say what success they may have with their correspondents, but if they have with Merchants or any Persons in England, haveing Property in this Colony, it must be from their not being well apprised of their own Interest.

The success in this Town in opposition to appeals is not to be wonder'd at, where the Proprietors of the great Tracts of Land, and the principal Lawyers strongly connected with them, mix with every Company, & use every artifice to promote their purposes. But it is otherwise in the Country where the Planters or Farmers have severely felt the effects of the Domination of the great Proprietors & of the Lawyers. Notwithstanding of this artificial Clamour I am confident that if his Majesty Resolve to support the Right of Appealing and shall appoint the officers necessary for that purpose in this Province, as I have mentioned in my former letters it will be quietly submitted to, & people in general will think themselves more secure in their property with the Right of Appealing than without it; The Proprietors of the great Tracts, in their iniquitous claims, and the overbearing Lawyers only excepted.

I think it proper farther to observe that so far as I remember there has not been six causes brought before the council either on appeal or in Error, in forty years; and in that time only one Cause carried by appeal to the King in his Privy Council, while M^{r} Clarke was Lieut. Governor, in which case the Judgment of the Supreme Court was neither reversed nor affirmed as in Error, but a new Judgment on the Merits of the Cause was given, different from that of the Supream Court.

M^{r}. Cunningham's attorney has Entered his appeal from the Judgment of the Council, deliver'd in Security

for paying Damages & Costs, in case the Judgment of the Supreme Court be affirm'd, and prayed suspension of the Execution 'till the Kings Judgment in his Privy Council be obtain'd. The Resolution of the Council thereon is enclosed. I am with great Respect & submission My Lords.

To The R^t. Hon^ble Earl of Halifax.

New York, Feby 22^d 1765.

My Lord,

I have the honor of your Lordships Letter of the 8^th of December. It gives me a great encouragement in my Duty, to have my obedience to his Majesty's Commands so favorably received.

I have, I am affrayed, trespass'd too much on your Lordship's patience by the long Letters which I thought my Duty required me to write to you on the Subject of appeals to the King in his Privy Council. Few matters, in my humble opinion, of greater importance in the Colonies require the attention of his Majesty's ministers. I now write to the Plantation Board, what farther information I can give them on that subject.

The dangerous influence which the Profession of the Law has obtain'd in this Province, more than in any other portion of his Majesty's Dominions is a principal Cause of disputing Appeals to the King, but as that influence likewise extends to every part of the Administration, I humbly conceive that it is become a matter of State, which may deserve your Lordships particular attention.

After M^r. De Lancey had, by cajoling M^r Clinton, received the Commission of Chief Justice dureing good Behaviour, the Profession of the Law enter'd into an association, the effects of which, I believe your Lordship had formerly opportunity of observing in some striking instances. They proposed nothing less to

themselves than to obtain the direction of all the measures of Government by makeing themselves absolutely necessary to every Governor, in assisting him when he complied with their Measures, & by distressing him when he did otherwise. For this purpose every method was taken to aggrandise the power of the Assembly, where the profession of the Law must allwise have great influence over the members, & to lessen the authority & influence of the Governor. In a country like this where few Men, except in the Profession of the Law, have any kind of Literature, where the most opulent families in our own Memory, have arisen from the lowest Rank of the People, such an Association must have more influence than can be easily imagined. By means of their profession they become generally acquainted with Men's private affairs & necessities every Man who knows their influence in the Courts of Justice is desirous of their favour, & affray'd of their Resentment. Their power is greatly strengthened by enlarging the Powers of the Popular side of Government & by depreciating the Powers of the Crown.

The Proprietors of the great Tracts of Land in this Province have united strongly with the Lawyers as the surest support of their enormous & iniquitous Claims, & thereby this faction is become the more formidable & dangerous to good Government.

Mr Prat who had no family or private connections in this Province while he was Chief Justice discovered the dangerous influence of this faction in the administration of Justice, as well as otherwise, and resolved with the assistance of Government to have crushed it; but he was prevented by death. Many who have either felt or perceived the bad effects of the Domination of Lawyers lament the loss of such a Judge.

All associations are dangerous to good Government more so in distant Dominions, & associations of Lawyers the most dangerous of any next to Military.

Were the People freed from the dread of this Do-

minion of the Lawyers, I flatter myself with giving general Joy to the People of this Province. I never received the least opposition in my administration except when I opposed the views of this faction. I am confident their views may be entirely defeated by the means I humbly proposed in my preceding Letter, with the concurrent assistance of his Majesty's Ministers when it becomes necessary.

Mr. Cunningham's Attorney has entered his appeal from the Judgment of the Council, delivered in security for paying damages & costs in case the Judgment of the Supreme Court be affirmed, & prayed Suspension of the Execution till the Kings Judgment in his Privy Council be obtained. The Resolution of the Council thereon is enclosed.

It is my constant endeavour by an assiduous performance of my Duty to preserve the honor of being My. Lord.

To John Pownall, Esq.

New York, Febr 22. 1765.

Sir,

I have the honour of the Lords Commissioners Commands signified to me by your Letter of the 7th of December, relating to Drawing Bills for public Services. I know not that any Governor of this Province has drawn on the Treasury in many years. If it shall become incumbent on me at any time to draw, I shall punctually observe their directions.

The Assembly of this Province have ordered the Minutes of their Proceedings & Resolutions to be printed. I have obtained one copy of the first Volume, the other not being as yet printed to transmit the Lords Commissioners which I now send by this Packett. It may be of use on some occasions to consult these Minutes.

The Reduced Officers who had Land surveyed for

them within the Claim of Monsr Michel Chartrier de Lotbiniere, as mentioned in their Lordships Letter to me of the 13th of July, are very impatient to know their Lordships Resolution in consequence of my Letter on that Subject of the 21st of September. These officers are at present under a disagreeable & expensive Suspence.

I am told that the King by his Order in Council, has fixed the Boundary between this Province & New Hampshire; but the Order has not been transmitted. I suspect that the delay in publishing the Order may increase inconveniences, not lessen them. New Hampshire has certainly laid out a vast Tract of Land into Townships without makeing one Settlement on any of them, as I am informed. If the Method of Granting Land in New Hampshire be as I am told it is, they deserve little regard, except where considerable Settlements & Improvements are made, & I am informed few or none are made anywhere to the Westward of Connecticut River, except on the North Line of the Massachusetts Bay, & in a very few Townships adjoining to the West side of Connecticut River.

You will see Sir by the Letters which I have had the honour to Write & the Papers I have transmitted to the Lords Commissioners that a Dispute has arisen in this Province to a great height in relation to Appeals directed by his Majesty's 32nd Instruction, in which I have thought it my Duty to support the Instruction as much as in my power. Peoples minds will be affected according to the Reports from England, which will be spread among them on this occasion—it will therefore be of great use to me to know their Lordships Sentiments as soon as may be. You will oblige me extreamly by informing me of them, tho' it were only in general Terms. I am with the greatest esteem & regard, Sir,

To Sir William Johnson, his Majesty's Superintendent of Indian Affairs for the Northern Department.

Fort George, N. Y. March 15th 1765.

Dear Sir,

I have your favour of the 27th ult° informing me of the uneasiness the Mohawks are under from the late Settlements made in the Pattent of Kayaderosseres, & of the bad consequences you apprehend from it. As soon as I could call the Council together I laid your letter before them, the result of which you will see by the inclosed Minute of Council.

In a former Letter I informed you that I had sent an exemplified copy of the Pattent of Kayaderosseres, & of the Indian Purchase which is on Record, under the great seal of the Province, to the Plantation Board, in order that the Pattent may be vacated by Act of Parliament as their Lordships informed me they intended to propose, in case the Assembly of this Province did not Vacate the same.

Now you will be able to inform the Indians authentically that both you & I have done everything in our power to do them Justice, & that they may rest satisfied that Justice will be done them tho' it cannot be done so speedily as they expect, & we wish it may be done.

You will, I am confident, think it proper to take some pains with them to convince them that even the King cannot do Justice to himself, or to the most beloved of his Subjects otherwise than by his Courts of Justice. The Proceedings then from the nature of things, are slow & require patience, but their effects are certain & effectual, which the greatest & richest Man cannot withstand.

If I were one of themselves, and indeed I was adopted by the Conojaharies many years since, I cannot do more for their obtaining of Justice than I have

for many years past done, but never had so much in my power to do as now, and you may assure them that I will omit nothing in their favor which is in my power, and I am confident that my endeavours will in the end prove effectual. On these assurances they may rest easy, tho' the reliefs do not come so speedily as they desire.

As to the uneasiness which the Mohawk Indians receive from their Neighbours inform them that I have by my Letters last fall recommended the passing an Act of Parliament by which they may obtain summary Justice, independent of the common Law Courts: and I expect I shall have such an Act transmitted to me by the end of May or beginning of June, if not sooner.

As to the Stockbridge Indians, since by their own confession they have sold their Land to the Christians, they have no right to interpose in the Disputes among the Christians: & the disputes between the Christians can only be determined by our Laws. I am with perfect esteem & regard Dear Sir

Copy of the above Letter to Sir W^{m} & of his to which it is an answer, sent to the Board of Trade April 1765.

To His Excellency Francis Bernard, Esq, Gov^{r}. of the Province of Massachusetts Bay.

Fort George, N. Y. April 1st 1765.

Sir,

I should have answered your letter of the 4th of last Month sooner had I not expected for some Weeks past to have been able to have returned you a more distinct [account] relating to the Pyratical takeing of the Sloop Dove on the coast of Africa than I can now.

In the month of October last I was inform'd nearly to the same purpose as the information you have received of that Pyracy, & I believe the information was

given by the same Person from whom your information was received, but he was gone from this Place before I knew anything about it.

At the desire of M^r James De Peyster who applied to me in favour of Mess^rs Forney Owners of the Sloop Dove, I wrote to the Gov^r of Porto Rico by a sloop which they intended to send to that place for the Recovery of their Sloop & Cargo, which they were inform'd was carried into that Place: and desired the Spanish Gov^r either to bring those Pyrates to Justice, or to send them properly secured to this Place. This Letter went from hence the beginning of November, & I did not doubt of receiving some answer or farther information before this time, but I have received none. The sloop which carried my Letter went from New London, & perhaps she may return to that place.

The Act pass'd in this Province for Settling & Determining the Boundarys between this & your Government was done by recommendation of the Lords Commissioners for Trade & Plantations, as the most proper method of determining that Controversy. I shall report to their Lordships the answer which you have transmitted to me. I am with great Regard

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To His Excellency B. Wentworth, Esq. Governor of New Hampshire.

Fort George, New York, April 13. 1765

Sir,

By the Duke of Cumberland Packett Boat last Tuesday I received his Majesty's Determination of the Boundary between this Province and yours. As I have reason to believe that you will receive a duplicate of the same by the same Conveyance, it is needless for me to be more particular. Only if on this occasion it may be in my power to oblige you personally, it will give pleasure to—Sir, Y^r most ob^t hum^e Serv^t

To the R^t Hon^ble Lords Commissioners for Trade & Plantations.

New York, 14^th April, 1765.

My Lords,

In my preceding Letters of the 7^th Nov^r, 13^th Dec^r, 22^d January & 22^d Febry, I have given your Lordships all the Information I can of the Dispute in this Place relating to his Majesty's 32^nd Instruction. Since which time all public affairs have gone on quietly in their usual manner.

Some Causes were brought before the Gov^r & Council by Writs of Error. These were dismissed without any alteration after I had enter'd my reasons for dismissing of them on the Minutes of Council. A Copy of the Reasons is inclosed.

As soon as the Declamations of the Judges were published in the Weekly papers which I transmitted in my last the same Writers set up a weekly Paper called the Sentinell with design to prejudice the People against me Personally. I would suffer no kind of answer to be publish'd, & it has produced the effects in the Minds of the People which I expected, greatly to the prejudice of the Writers—These Men are not in the Esteem of the People, & can never become popular but only occasionally, & by some clamour artificially raised which must soon subside of itself.

After the Declarations & Proceedings in Council had been dispersed thro' the Province in weekly Papers, they were collected into one Pamphlet & the whole Edition sent to England. It seems a very Extraordinary Proceeding in the officers of the Crown, that while a Dispute is before the proper & legal Judges, they should appeal to the People without waiting for the proper determination of the same. They refuse an appeal to the King & at the same time appeal to the People.

I am extreamly averse to give your Lordships so

much trouble as I have done, but when you consider the measures, taken in this Place in opposition I hope you will perceive that it was not in my power to prevent it. In this as in everything else, I am with the greatest Submission My Lords, &c.

To the R^t Hon^ble Lords Commissioners for Trade & Plantations.

New York, April 13^th 1765.

My Lords,

On the 14^th Day of March I received the Letter from Sir William Johnson of which the enclosed is a copy. Next Day I communicated it to the Council who advised me to direct the Attorney General to bring a *scire facias* against the Pattent of Kayaderosseras, as by the inclosed Minute of Council more particularly appears. To prevent as much as in my power any misunderstanding with the Indians at this time, I inform'd Sir William by express sent on purpose of what was done & wrote to him what I thought might contribute to make the Indians easy at this time, a copy of which is likewise inclosed. But after all I am affrayed the method now taken (& I know of no other method which can be taken) will prove ineffectual to prevent uneasiness with the Indians by reason of the unavoidable delays in the proceedings of the Courts in this Province. I do not expect it can be determined in several years.

The strongest proof of the enormous & iniquitous claims of the Proprietors of the great Pattents will appear from the enclosed copy of a Caveat entered against their claim by a great number of Freeholders who have settled & improved the Lands claim'd, in small Tracts: & from the Memorial of the Surveyor General of Lands on the same subject presented to me accompanied with a map of Minisink & Evans's Pat-

tent, which I communicated to the Council in consequence of which, & in obedience to his Majesty's 46th Instruction, I have directed the Attorney General to file Informations of Intrusion against several Persons who have lately set down on that part of the Lands which still remains in the Crown. I expect this will put an effectual stop to these & such like proceedings, but I shall be better able to inform your Lordships after I shall know whether they will defend their Claims. No man who considers the state of this matter as set forth in the inclosed Papers, can imagine that such Claims could be made in a Country where regular Courts of Justice are establish'd, & they would not in this Country were there sufficient checks in our Courts on the Chicanery & Artifices of the Lawyers by disinterested Judges of Integrity & Ability. This is the same Case of which I inform'd your Lordships, at the request of a great number of poor industrious People, in November last.

On this occasion I cannot omit observing to your Lordships of the bad use made of *the Act for the more effectual Collecting of his Majesty's Quit rents in the colony of New York, & for Partition of Lands in order thereto.* Passed in the year 1762. I never gave my assent to any Act with more reluctancy than to this, tho' I got many amendments made to it, because I apprehended the bad use that would be made of it, but I was so much press'd by both the Assembly & Council, thro' the influence of the Proprietors of these great Tracts that I thought it imprudent to take the Load of a refusal upon myself while it was in his Majestys power to repeal it before it could take any Effect as will appear from my Letter to your Lordships of the 25th Jany 1762. I shall now only add that I know not of any Advantage to the collection of Quit Rents by any Partition made in pursuance of it, & I believe no advantage can be shewn. On the contrary the Quit rents have been prejudiced by People being deterred from improving or settling any Lands under new

Grants from the Crown anywhere near the Claims of these great Pattents.

If your Lordships shall think it proper that this Act be Repeal'd it may be expedient to have it done & the Repeal transmitted without delay because all Acts done by virtue of any Act of this Province are conceived to be valid if done before the Repeal is authentically signified.

To The R^t Hon^ble E..rl of Halifax, &^c

New York, April 27^th 1765.

My Lord,

I have the honor of two Letters from your Lordship, both of the 9^th of February. I have communicated to the Merchants that relating to the seizure of their Vessells by the French King's officers, to evince to them the attention the King has to the Interest and Security of his Mercantile Subjects, by the Remonstrances his Majesty had order'd his Ambassador to make for their Relief, even before they could at this distance apply by their Prayers for Redress.

The other a circular letter, relating to some misunderstanding between the civil Governors & the Commanding officers of his Majesty's Troops. The Commanders in chief generally Reside in this Place, & I have been so happy as never to have had the least misunderstanding with any of them.

I have the great pleasure to inform your Lordships, that this Government continues in perfect Tranquility, notwithstanding of the continued efforts of a Faction to raise discontent in the Minds of the People & disorder in consequence of it. The most effectual method in their opinion for obtaining their ends. A few of the Profession of the Law continue to publish most Licentious abusive weekly Papers. I have restrained every return or reply to them. They have produced the contrary effect of what the authors de-

sign'd, but what I expected. While by malicious Calumny the Authors endeavour'd to asperse the characters of others, they have sunk their own Reputation.

No illicit Trade has been discovered of late—His Majesty's Ships are preparing to go out.

If I receive the honour of your Lordships approbation, I shall think myself very happy. I am with entire Submission.

To John Pownall, Esq, Secty Board of Trade, &c

New York, April 27th 1765.

Sir,

I have the honour of the Lords Commissioners Commands signified to me by your Letter of the 14th December last inclosing his Majesty's Order in Council of the 20th July for determining the boundary between this Province & New Hampshire, & in pursuance of their Lordships Orders I have made the same Public by Proclamation.

I have the satisfaction to inform you that the Administration of Government continues in its usual tranquility, notwithstanding of some violent efforts to introduce disorder by Clamours artificially raised, & which now subside. The Party in opposition still continue a licentious & abusive weekly Paper. By restraining any reply to them they are entirely defeated in their design of continuing public Clamour, & draw only contempt on themselves. I am with great Regard

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169. T. Stafford Drowne, *Brooklyn.*
170. Cortlandt De Peyster Field, *N. Y. City.*
171. John S. Craig, *N. Y. City.*
172. Charles H. Rogers, "
173. Maurice Hilger, "
174. E. A. Benedict, "
175. William Everdell, "
176. Geo. R. Drowne, *Boston, Mass.*
177. J. Watts de Peyster, *N. Y. City.*
178. James B. Andrews, *N. Y. City.*
179. Constant A. Andrews, "
180. Loring Andrews, Jr., "
181. Walter S. Andrews, "
182. Clarence Andrews, "
183. William L. Andrews, "
184. Same, "
185. John Armstrong, "
186. Paul K. Weizel, *B'klyn, N. Y.*
187. John F. McCoy, *N. Y. City.*
188. Joseph B. Hoyt, "
189. James Benedict, "
190. J. Nelson Tappan "
191. Francis Wigand, "
192. C. H. Isham, "
193. D. B. Fayerweather, "
194. John A. Hardenbergh, "
195. J. W. Weidemeyer, "
196. Edwin Faxon, *Boston, Mass.*
197. F. A. Gale, *N. Y. City.*

SHARE

198. John Caswell, *N. Y. City*
199. William C. Dornin, "
200. William P. Cooledge, "
201. John R. Ford, "
202. Israel Corse, "
203. Daniel Morison, "
204. John Bridge, "
205. Wilson G. Hunt, "
206. Charles H. Smith, "
207. John P. Crosby, "
208. Erastus Corning, *Albany.*
209. Same, "
210. James B. Colgate, *N. Y. City*
211. Samuel Marsh, "
212. Edwin Parsons, "
213. Robert J. Hubbard, "
214. J. Watts de Peyster, "
215. James A. Raynor, "
216. Robert J. Livingston, "
217. John C. Barron, "
218. Henry K. Brewer, "
219. John A. Nexsen, "
220. Marshall O. Roberts, "
221. William N. Blakeman, "
222. Herman C. Adams, "
223. Thomas B. Gunning, "
224. Abraham Bogardus, "
225. John E. Lauer, "
226. E. M. Crawford, "
227. James C. Holden, "
228. Samuel Colgate, "
229. William B. Ross, "
230. William K. Hinman, "
231. John W. Quinoy, "
232. James M. Bruce, "
233. Miss Annie Moreau, "
234. Lewis Hallock, "
235. The Library of the City of Amsterdam, *Amsterdam, Netherlands.*
236. Mrs. Anna Boynton, *N. Y. City.*
237. Rufus D. Case, *N. Y. City*
238. Cyrus Butler, "

SHARE

239. Richard S. Field, *Princeton, N. J.*
240. A. O. Zabriskie, *Jersey City, N. J.*
241. Michael Lienau, *Jersey City, N. J.*
242. William A. Whitehead, *Newark, N. J.*
243. Simeon Draper, *N. Y. City.*
244. Freeman M. Josselyn, *Boston, Mass.*
245. Theodore W. Riley, *N. Y. City.*
246. John Boyd, Jr., "
247. George K. Sistare, "
248. J. Warren S. Dey, "
249. William H. Bridgman, "
250. Anson Phelps Stokes, "
251. William C. Martin, "
252. A. Robertson Walsh, "
253. Joseph A. Sprague, "
254. Charles A. Peabody, "
255. William H. Morrell, "
256. John V. L. Pruyn, *Albany, N. Y.*
257. Frederick James de Peyster, *N. Y. City.*
258. William H. Macy, *N. Y. City.*
259. Thomas Paton, "
260. David Stewart, "
261. David Stewart, Jr., "
262. John E. Williams, "
263. John P. Townsend, "
264. William H. Morrell, "
265. Homer Morgan, "
266. John Armstrong, "
267. Same, "
268. Same, "
269. Same, "
270. N. Norris Halstead, *Harrison, Hudson Co., N. J.*
271. Wm. C. Tallmadge, *N. Y. City.*
272. Howard Crosby, "
273. Mrs. Mary E. Brooks, "
274. Edward Hodges, "
275. Robert W. Rodman, "

SHARE

276. John L. Riker, *N. Y. City*
277. Walter R. T. Jones, "
278. Claudius L. Monell, "
279. Byam K. Stevens, Jr., "
280. Francis Many, "
281. Henry M. Taber, "
282. T. M. Peters, "
283. John B. Cornell, "
284. S. Alofsen, "
285. Same, "
286. Robert B. Minturn, Jr., "
287. George Tugnot, "
288. Rufus S. Bergen, *Green Point.*
289. Benj'n W. Bonney, *N. Y. City.*
290. Benj'n W. Bonney, Jr., "
291. John S. H. Fogg, *Boston, Mass*
292. John H. Wright, "
293. William Wood, *N. Y. City.*
294. F. G. Van Woert, "
295. Alex'r T. Stewart, "
296. John B. Cronin, "
297. George D. Morgan, "
298. Homer Tilton, "
299. Samuel Frost, "
300. Same, "
301. James H. Pinkney, "
302. William T. Pinkney, "
303. Charles H. Phillips, "
304. James Eager, "
305. William Underhill, "
306. John D. Clute, "
307. Abraham B. Embury, "
308. Charles L. Richards, "
309. William Beard, "
310. James H. Welles, "
311. John Gallier, "
312. Charles Le Boutillier, "
313. Thomas Le Boutillier, "
314. John G. Lamberson, "
315. Russell C. Root, "
316. Clarkson Crolius, "
317. William Murphy, *Chappaqua.*
318. Daniel T. Willets, *N. Y. City*
319. Charles Gould, "

SHARE

320. John B. Bartlett, *N. Y. City.*
321. Mathias Clark, "
322. Robert M. Roberts, "
323. Jas. Hasbrouck Sahler, "
324. Frederic de Peyster, "
325. Same, "
326. Same, "
327. John J. Latting, "
328. David Buffum, "
329. F. H. Parker, "
330. George W. Thompson, "
331. Thomas F. Youngs, "
332. Oliver G. Barton, "
333. Abram E. Cutter, *Charlestown, Mass.*
334. William E. Lewis, *N. Y. City.*
335. John H. Johnston "
336. William B. Clerke, "
337. John C. Connor, "
338. Henry T. Morgan, "
339. Abram A. Leggett, "
340. James Davett, "
341. Erastus S. Brown, "
342. Asher Taylor, "
343. Edward Bill, "
344. William H. Tuthill, *Tipton, Cedar Co., Iowa.*
345. Henry S. Terbell, *N. Y. City.*
346. George W. Abbe, "
347. Sidney Mason, "
348. Charles Shields, "
349. George B. Dorr, "
350. Gardiner Pike, "
351. John C. Beatty, "
352. Lora B. Bacon, "
353. Charles H. Ludington, "
354. James Brown, "
355. Charles O'Conor, "
356. Charles B. Collins, "
357. John H. Wright, *Boston, Mass.*
358. Wm. S. Constant, *N. Y. City.*
359. Geo. W. Wales, *Boston, Mass.*
360. John L. Deen, *N. Y. City.*
361. T. Matlack Cheesman, "

SHARE

362. Maximilian Rader, *N. Y. City*
363. J. Hobart Herrick, "
364. Louis P. Griffith, "
365. Barrow Benrimo, "
366. Edward F. DeLancey, "
367. Samuel L. Breese, "
368. D. Henry Haight, "
369. John Adriance, "
370. Same, "
371. Joseph W. Alsop, "
372. Henry Chauncey, "
373. Frederick Chauncey, "
374. William Habirshaw, "
375. Henry A. Heiser, "
376. William H. Jackson, "
377. Elijah T. Brown, "
378. Henry K. Bogert, "
379. Addison Brown, "
380. Ernest Fiedler, "
381. J. Watts de Peyster, "
382. William Remsen, "
383. Walter M. Underhill, "
384. Samuel W. Francis, "
385. George Livermore, *Cambridge, Mass.*
386. Same, "
387. Same, "
388. Same, "
389. John F. Gray, *N. Y. City*
390. Henry G. Griffen, "
391. Thomas S. Berry, "
392. Calvin Durand, "
393. Robert B. Minturn, "
394. F. A. P. Barnard, "
395. William Bryce, "
396. James Bryce, "
397. Augustus Belknap, "
398. Andrew Wilson, "
399. William J. Van Duser, "
400. John C. Havemeyer, "
401. John T. Agnew, "
402. Same, "
403. Charles E. Beebe, "
404. Nathaniel W. Chater, "

SHARE

405. George C. Collins, *N. Y. City.*
406. William H. Goodwin, "
407. Charles G. Harmer, "
408. William Hegeman, "
409. Peter V. King, "
410. George W. Lane, "
411. Louis F. Therasson, "
412. Henry F. Sewall, "
413. Miss Elizabeth Clarkson Jay, *N. Y. City.*
414. William E. Dodge, "
415. William E. Dodge, Jr., "
416. George W. Robins, "
417. John D. Locke, "
418. John McKesson, "
419. Richard M. Hoe, "
420. Robert Hoe, "
421. Peter S. Hoe, "
422. Augustus W. Payne, "
423. William Oothout, "
424. Edward Oothout, "
425. Edward F. Hopkins, "
426. David E. Wheeler, "
427. John H. Sprague, "
428. Theodore Van Norden, "
429. George de Heart Gillespie, *N. Y. City.*
430. Benjamin G. Arnold, "
431. Coridon A. Alvord, "
432. Same, "
433. Same, "
434. Same, "
435. J. Otis Ward, "
436. James Lenox, "
437. Same, "
438. Jabez E. Munsell, "
439. Arnold C. Hawes, "
440. Jacob W. Feeter, "
441. Daniel Spring, "
442. John C. Green, "
443. David L. Holden, "
444. Joseph W. Patterson, "
445. Gordon W. Burnham, "
446. Samuel Wilde, Jr., "

SHARE

447. William B. Taylor, Jr., *N. Y. City.*
448. William V. Brady, "
449. Oliver Hoyt, "
450. Charles W. Lecour, "
451. John H. Swift, "
452. Hugh N. Camp, "
453. W. Woolsey Wright, "
454. Jed Frye, "
455. Henry Owen, "
456. William A. Young, *Albany*
457. John Buckley, Jr., *N. Y. City*
458. D. Randolph Martin, "
459. Samuel L. M. Barlow, "
460. E. W. Ryerson, "
461. Samuel Shethar, "
462. Geo. Brinley, *Hartford, Conn.*
463. Augustus F. Smith, *N. Y. City.*
464. William H. Hurlbut, "
465. Henry A. Hurlbut, "
466. Mrs. Sophie H. Scott, "
467. The N. Y. Society Library, *New York City.*
468. Thomas K. Marcy, *N. Y. City.*
469. Jas. Y. Smith, *Providence, R. I.*
470. Wm. B. Bolles, *Astoria, N. Y.*
471. Gouv. Morris Wilkins, *New York City.*
472. James T. Fields, *Boston, Mass.*
473. Horace P. Biddle, *Logansport, Indiana.*
474. A. L. Roache, *Indianapolis, Indiana.*
475. Miss Eliza S. Quincy, *Quincy Mass.*
476. Alfred Brookes, *N. Y. City.*
477. Henry Youngs, Jr., *Goshen*
478. Jeremiah Loder, "
479. Thomas H. Armstrong, "
480. William C. Bryant, "
481. Matthew P. Read, "
482. Manning M. Knapp, *Hackensack, N. J.*
483. Lockwood L. Doty, *Albany.*

SHARE

484. Walter L. Newberry, *Chicago, Illinois.*
485. Hamilton Fish, *New York City.*
486. Wm. B. Towne, *Boston, Mass.*
487. Same, "
488. Same, "
489. Same, "
490. Sidney W. Dibble, *N. Y. City.*
491. Charles J. Seymour, *Binghamton, N. Y.*
492. D. A. McKnight, *Kansas City, Mo.*
493. Chas. H. Housman, *N. Y. City.*
494. James M. Chichester, "
495. William W. Greene, "
496. Francis F. Dorr, "
497. Charles W. Whitney, "
498. Robert D. Hart, "
499. George H. Mathews, "
500. Thomas Addis Emmet, "
501. Andrew J. Smith, "
502. William D. Maxwell, "
503. Charles A. Macy, Jr., "
504. Thomas W. Field, "
505. Charles Gorham Barney, *Richmond, Va.*
506. Benj. B. Atterbury, *N. Y. City.*
507. Richard W. Roche, "
508. Thomas H. Morrell, "
509. Smith Barker, "
510. Everardus B. Warner, "
511. Augustus T. Francis, "
512. Wm. A. Slingerland, "
513. Riley A. Brick, "
514. Same, "
515. Walter M. Smith, "
516. Henry Elsworth, "
517. John Hecker, "
518. Warren Ward, "
519. Charles G. Judson, "
520. J. Meredith Read, Jr., *Albany.*
521. John H. Van Antwerp, "
522. Wm. M. Van Wagenen, "
523. Wm. T. Ryerson, *N. Y. City.*

SHARE

524. Edwin Hoyt, *N. Y. City*
525. John Van Nest, "
526. Clinton Gilbert, "
527. J. Carson Brevoort, *Brooklyn.*
528. Same, "
529. Isaac D. Russell, *N. Y. City.*
530. Henry Oothout, "
531. Alexander P. Irvin, "
532. Beriah Palmer, "
533. Robert Sohell, "
534. Alfred T. Ackert, *Rhinebeck.*
535. John H. Watson, *N. Y. City.*
536. Abraham Baldwin, "
537. Ezra A. Hayt, "
538. William G. Lambert, "
539. Charles S. Smith, "
540. Charles A. Macy, "
541. Samuel Raynor, "
542. Lucius Tuckerman, "
543. William Betts, "
544. William K. Strong, "
545. John D. Jones, "
546. Same, "
547. Thomas C. Doremus, "
548. Rudolph A. Witthaus, Jr., *N. Y. City.*
549. F. W. Macy, *Cranford, N. J.*
550. J. N. Ireland, *Bridgeport, Conn.*
551. William Montross, *N. Y. City*
552. Samuel R. Mabbatt, "
553. Jacob S. Wetmore, "
554. Marvelle W. Cooper, "
555. Abraham M. Cozzens, "
556. Jacob Van Wagenen, "
557. John H. Riker, "
558. Wm. Alexander Smith, "
559. George Dixon, Jr., "
560. Hamilton Odell, "
561. Charles B. Richardson, "
562. Horatio Nichols, "
563. George T. Hall, "
564. Henry A. Burr, "
565. Franklin H. Delano, "
566. James M. Deuel, "

SHARE

567. Richard Irvin, Jr., *N. Y. City.*
568. Dudley B. Fuller, "
569. Henry A. Smythe, "
570. Josiah S. Leverett, "
571. J. S. Davenport, *Boston, Mass.*
572. Bronson Peck, *N. Y. City.*
573. William A. Allen, "
574. William Dowd, "
575. David L. Baker, "
576. John G. Shea, "
577. Clarkson N. Potter. "
578. David D. Field, "
579. William H. Appleton, "
580. Samuel J. Tilden, "
581. James W. Gerard. "
582. Timothy G. Churchill, "
583. Parker Handy, "
584. Nathaniel Hayden, "
585. John G. Holbrooke, "
586. Robert H. McCurdy, "
587. Rush C. Hawkins, "
588. L. M. Ferris, Jr., "
589. Theo. Roosevelt, "
590. J. Butler Wright, "
591. George Palen, "
592. George Griswold, "
593. O. D. Munn, "
594. Frank Moore, "
595. William H. Lee, "
596. H. P. Crozier. "
597. Henry E. Clark, "
598. Jackson S. Schultz, "
599. John Carter Brown, *Providence, R. I.*
600. John Carter Brown, 2d, *Providence, R. I.*
601. Peleg Hall, *N. Y. City.*
602. Charles L. Anthony, "
603. George W. Hall, "
604. J. T. Leavitt, "
605. Joseph Howland, *Matteawan.*
606. John W. Munro, *N. Y. City.*
607. Parker Handy, "
608. Same, "

SHARE

609. Parker Handy, *N. Y. City.*
610. George Griswold, "
611. Willard Parker, "
612. Alex'r W. Bradford, "
613. Benjamin L. Benson, "
614. Edward Sohell, "
615. A. B. Kellogg, "
616. Joseph O. Brown, "
617. E. B. Oakley, "
618. Nathaniel Jarvis, Jr., "
619. David S. Dunoomb, "
620. Augustus K. Gardner, "
621. L. Bayard Smith, "
622. Louis de V. Wilder. "
623. William E. Bird, "
624. Franklin B. Hough, *Lowville.*
625. Thomas P. Rowe, *N. Y. City.*
626. Samuel Osgood, "
627. Charles A. Meigs, "
628. Edward H. Purdy, "
629. Joseph F. Joy, "
630. Hezekiah King, "
631. Horace W. Fuller, "
632. William H. Post, "
633. Edward D. Butler, "
634. Henry B. Dawson, *Morrisania.*
635. Almon W. Griswold, *N. Y. City.*
636. S. Townsend Cannon, "
637. Theodore M. Barnes, "
638. Joel Munsell, *Albany.*
639. Same, "
640. Thomas A. Bishop, *N. Y. City*
641. Same, "
642. Nicholas F. Palmer, "
643. J. L. Leonard, *Lowville.*
644. David C. Halstead, *N. Y. City*
645. Thomas Morton, "
646. J. F. Sheafe, "
647. Henry A. Bostwick, "
648. Hiram D. Dater, "
649. George H. Williams, "
650. Aug. W. Reynolds, "
651. Silvanus J. Macy, "
652. Henry J. Scudder, "

SHARE

653. N. W. Stuyvesant Catlin, *N. Y. City.*
654. H. Tracy Arnold, *N. Y. City.*
655. Benjamin R. Winthrop, "
656. Same, "
657. Benj. R. Winthrop, Jr., "
658. Egerton L. Winthrop, *N. Y. City.*
659. Franklin Edson, *Albany.*
660. Robert C. Melvain, *N. Y. City.*
661. Archibald Russell, "
662. William I. Paulding, *Cold Spring.*
663. John Romeyn Brodhead, *N. Y. City.*
664. John L. Kennin, *N. Y. City.*
665. James Stokes, Jr., "
666. John A. Russell, "
667. E. M. Wright, "
668. Everardus Warner, "
669. Everardus B. Warner, "
670. John C. Hewitt, "
671. Peter Stryker, *Phila., Pa.*
672. Wilson M. Powell, *N. Y. City.*
673. Samuel H. Brown, "
674. Ellsworth Eliot. "
675. John T. Klots, "
676. Charles H. Dummer, "
677. Henry D. Bulkley, "
678. J. K. Hamilton Willcox, "
679. Appleton Sturgis, "
680. William T. Salter, "
681. William Rockwell, "
682. E. H. Janes, "
683. Thomas B. Newby, "
684. Louis de V. Wilder, "
685. Same, "
686. Samuel Coulter, "
687. Ralph Clark, "
688. Thomas F. De Voe, "
689. John Groshon, "
690. S. L. Boardman, *Augusta, Me.*
691. Charles J. Folsom, *N. Y. City.*
692. George Folsom, "

SHARE

693. Everardus Warner, *N. Y. City*
694. George C. Eyland, "
695. C. F. Hardon, "
696. F. Wiley, "
697. Alexander Wiley, "
698. John W. Scott, *Astoria.*
699. Edward Anthony, *N. Y. City*
700. Chauncey P. Smith, *Wolcott.*
701. H'y Camerden, Jr., *N. Y. City.*
702. George Bancroft, "
703. Abraham R. Warner, "
704. James W. Purdy, *Suffern.*
705. Chas. Congdon, *B'klyn, N. Y.*
706. Long Island Historical Society, *Brooklyn, N. Y.*
707. Brooklyn Mercantile Library Association, *Brooklyn, N. Y.*
708. New Bedford Free Library, *New Bedford, Mass.*
709. John David Wolfe, *N. Y. City.*
710. Miss C. L. Wolfe, "
711. George W. Cook, "
712. James L. Woodward, "
713. William Frederick Poole, *Boston, Mass.*
714. Benjamin H. Field, *N. Y. City.*
715. Cortlandt De Peyster Field, *N. Y. City.*
716. John Fitch, *N. Y. City.*
717. Same, "
718. F. Augustus Wood, "
719. John H. Dillingham, *Haverford College, Pa.*
720. F. Augustus Wood, *N. Y. City*
721. Charles A. Peabody, "
722. Edwin F. Corey, Jr., "
723. John G. Lamberson, "
724. Same, "
725. John E. Parsons, "
726. Gratz Nathan, "
727. B. F. De Costa, "
728. Henry C. Potter, "
729. Henry Nicoll, "
730. George E. Moore, "

SHARE

731. JOHN F. TROW, *N. Y. City.*
732. SAME, "
733. SAME, "
734. SAME, "
735. SAME, "
736. SAME, "
737. SAME, "
738. SAME, "
739. SAME, "
740. SAME, "
741. GEORGE H. MOORE, "
742. SAME, "
743. SAME, "
744. SAME, "
745. SAME, "
746. SAME, "
747. SAME, "
748. GEORGE H. MOORE, *N. Y. City.*
749. SAME, "
750. SAME, "
751. WILLIAM J. HOPPIN, "
752. JAMES W. BEEKMAN, "
753. JOSEPH F. LOUBAT, "
754. CARLISLE NORWOOD, JR., "
755. JAMES HAVEMEYER, "
756. THE PEABODY INSTITUTE, *Baltimore, Md.*
757. T. HARRISON GARRETT, *Baltimore, Md.*
758. THE LIBRARY OF THE UNIVERSITY, *Toronto, Canada.*
759. FRANCIS BAKER, *N. Y. City.*
760. GOLDSBOROUGH BANYER, "

SHAREHOLDERS BY TRANSFERS TO DECEMBER, 1876.

SHARE

20. GEORGE FARMER, *N. Y. City.*
31. HENRY P. CAMPBELL, "
41. JAMES A. ROOSEVELT, "
43. MRS. SARAH D. THOMPSON, "
47. RACHEL T. WHITEHEAD, "
73. GEORGE G. DE WITT, "
83. HUGH H. BOWNE, "
84. EDWARD A. WALTON, "
90. ASHER R. MORGAN, "
94. CHARLES H. GUILD, *East Somerville, Mass.*
95. JOHN HOBART WARREN, *N. Y. City.*
98. JACOB A. GROSS, *N. Y. City.*
111. J. K. WIGGIN, *Boston, Mass.*
136. EUGENIA BRODHEAD, *N. Y. City.*
150. GEORGE H. PEEKE, *Jersey City, N. J.*
167. JOHN J. THOMPSON, *N. Y. City.*
174. LUCIE P. BENEDICT, "
187. J. K. WIGGIN, *Boston, Mass.*
195. ELLSWORTH ELIOT, M.D., *N. Y. City.*
244. W. ELLIOT WOODWARD, *Roxbury, Mass.*
284. SAMUEL C. BLACKWELL, *Somerville, N. J.*
296. ELEANOR MARY CRONIN, *N. Y. City.*
305. FRED'K THOMPSON, *N. Y. City.*
321. SAMUEL Y. CLARK, "
349. HARVARD COLLEGE LIBRARY, *Cambridge, Mass.*
351. THOMAS H. MONTGOMERY, *N. Y. City.*
358. ROBERT S. MILLER, *N. Y. City.*
426. EVERETT P. WHEELER, "
427. JOHN H. SPRAGUE, "
450. EUGENE H. LECOUR, "
470. WILLIAM BOLLES HALSEY, *N. Y. City.*
496. BOSTON ATHENÆUM, *Boston, Mass.*
502. THE PUBLIC LIBRARY, *Cincinnati, Ohio.*
508. JOSEPH SABIN, *N. Y. City.*
512. SAME, "

SHARE

532. NATHAN B. WALKER, *N. Y. City.*
540. FRANCIS H. MACY, JR., "
559. DAVID G. FRANCIS, "
571. THE PARLIAMENTARY LIBRARY OF CANADA.
573. W. ROYCE ALLEN, *N. Y. City.*
643. THE TRUSTEES OF THE LOWVILLE ACADEMY.
663. EUGENIA BRODHEAD, *N. Y. City.*
670. WM. P. PRENTICE, "
683. CHARLES L. WOODWARD, "

SHARE

684. EDWARD C. WILDER, *N. Y. City.*
685. C. V. B. OSTRANDER, "
698. THE COLLEGE OF NEW JERSEY, *Princeton, N. J.*
714. JOHN EVERITT, *N. Y. City.*
716. JAMES M. HUNT, *N. Y. City.*
719. HAVERFORD COLLEGE LIBRARY, *Haverford College, Pa.*
723. HENRY H. THOMPSON, *N. Y. City.*
727. DAVID G. FRANCIS, "